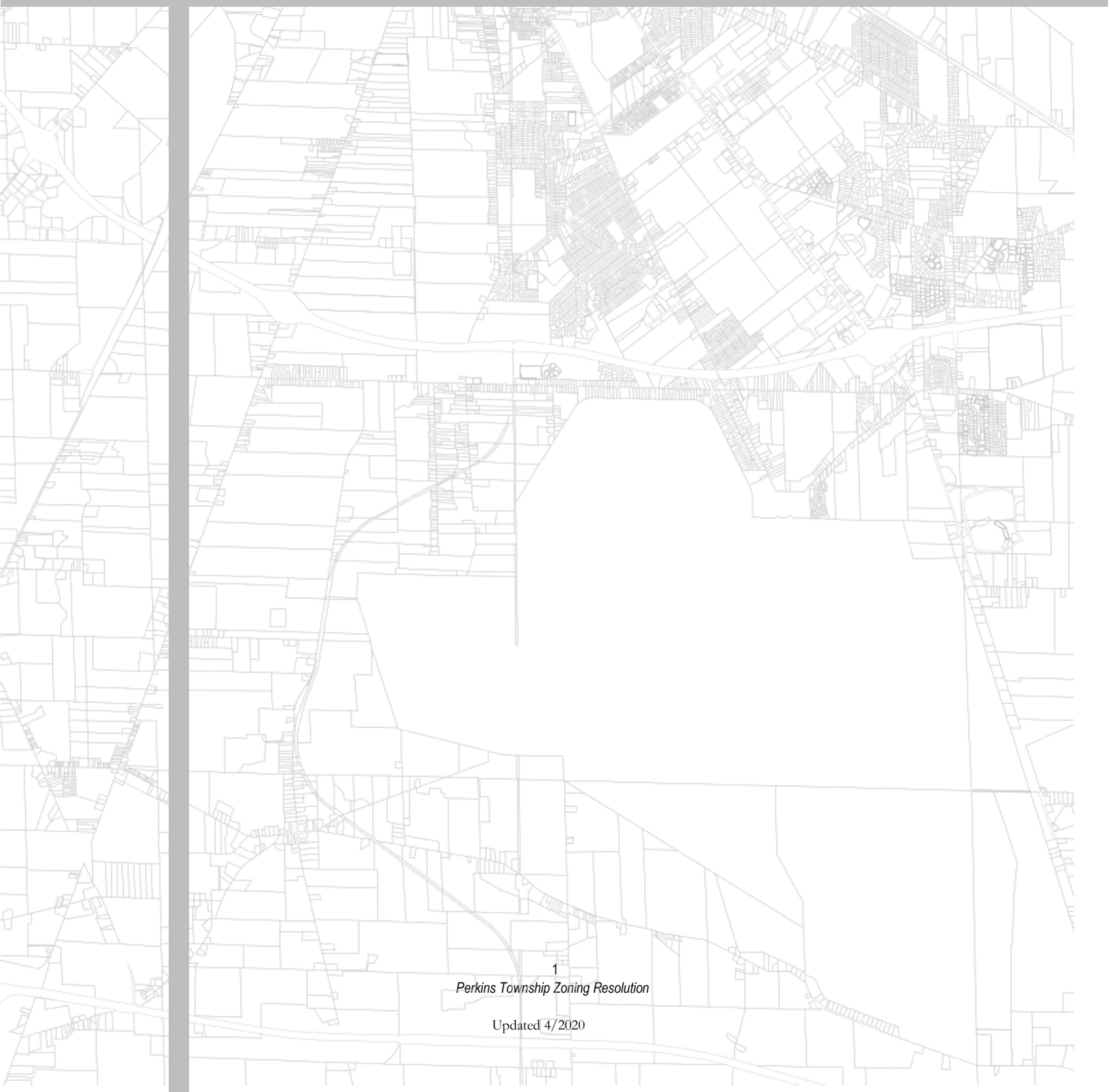




Perkins Township Zoning Resolution



PREAMBLE

A RESOLUTION OF THE TOWNSHIP OF PERKINS, ERIE COUNTY, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 519, OHIO REVISED CODE, DIVIDING THE UNINCORPORATED PORTION OF THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAYS; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION DEFINING THE POWERS AND DUTIES PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY AND MORALS, AND FOR THE REPEAL THEREOF.

THEREFORE BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF PERKINS TOWNSHIP, ERIE COUNTY, STATE OF OHIO.

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This zoning resolution applies to all land and to every structure or use of any land or structure or use of any land or structure lying within the boundaries of Perkins Township, Erie County, Ohio, as those boundaries now exist or may hereafter be changed except land owned by the township. Land owned by the United States of America, the State of Ohio, Erie County, and any and all other political subdivisions, agencies, departments, boards or commissions thereof shall be subject to this resolution except and only to the extent expressly exempted by law.

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ARTICLE 1 - GENERAL PROVISIONS

1.0 Title

This Resolution shall be known and may be cited to as the “Zoning Resolution of the Township of Perkins”, except as referred to herein, where it shall be known as “this Resolution”.

1.1 Interpretation

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

1.2 Separability

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1.3 Repeal of Conflicting Resolutions

All Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

1.4 Effective Date

This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

1.5 Incorporation of Maps

The boundaries of districts established by this Resolution are shown on the official zoning map which is hereby incorporated into the provisions of this resolution. The zoning map in its entirety, including all amendments shall be as much a part of this resolution as if fully set forth and described herein.

1.6 Incorporation and Alteration of the Official Zoning Map

The official zoning map shall be identified by the signature of the Township Trustees and the Township Clerk and bearing the seal of the township under the following words: “This is to certify that this is the Official Zoning Map referred to in Article 10 of Resolution No. 2001-71 of the Township of Perkins, together with the date of the adoption of this resolution.

If, in accordance with the provisions of this resolution changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the Board of Trustees.

No amendment to this resolution which involves a matter portrayed on the official zoning map shall become effective until after such changes and entry has been made on said map.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this resolution. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this resolution and punishable as provided under Article 5.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published. The official zoning map which shall be located in the Office of the Zoning Inspector shall be the final authority as to the current zoning status of the land and water areas, building and other structures in the planning region.

1.7 Replacement of Official Zoning Map

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature of number of changes and additions, the Board of Trustees may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Township Trustees and the Township Clerk bearing the seal of the township under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted by the Township".

All prior official zoning maps or any significant parts thereof shall be preserved, together with all available records pertaining to their adoption or amendments.

ARTICLE 2 - INTENT AND PURPOSES

2.0 Intent and Purposes

The purpose of this resolution is to promote the public health, safety and morals, comfort, property and general welfare. This Board of Township Trustees, in accordance with a comprehensive plan and by this resolution, hereby regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins and trailer coaches; percentages of lot areas which may be occupied; setback building lines; sizes of yards, courts and other open spaces; the density of population; the uses of buildings and other structures, including tents, cabins and trailer coaches; and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the Township and for such purpose hereby divides the entire unincorporated territory of this Township into districts and zones as hereinafter described.

2.1 Uniformity of Regulations

All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

2.2 Comprehensive Plan

The comprehensive plan referred to herein means the Perkins Township Comprehensive Plan or subsequent refinements of said Plan which may include greater detailing of land use categories, development goals and policies more relevant to the development of Perkins Township.

ARTICLE 3 – CONSTRUCTION OF LANGUAGE & DEFINITIONS

3.0 Construction of Language

The following rules of construction apply to the text of this Resolution:

3.1 "Shall"

The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

3.2 Word Tense

Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

3.3 "Used For"

The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.

3.4 "Person"

The word “person” includes an individual, or corporation, a partnership, an incorporated association, or any other similar entity.

3.5 "And" & "Or"

Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either ... or”, the conjunction shall be interpreted as follows:

“And” indicates that all the connected items, conditions, provisions, or events shall apply.

“Or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.

3.6 Definitions

For the purpose of this Resolution, certain words and terms are defined as follows:

3.7 Accessory Building

Means a building located on property under common ownership with the principal building, which is secondary in importance to the main building, including but not limited to detached garages, storage buildings, barns, shelters and decorative structures. A swimming pool shall be deemed an accessory building for the purpose of the Resolution.

3.8 Accessory Use

Means any activities which are incidental, subordinate and customarily carried on in addition to the primary use of the premises. In residential districts this shall include activities which are in the nature of a hobby or recreation and not carried on with the intent to make a profit for the land occupant. It shall also include activities related to the occupant's employment off premises that are occasionally carried on in the premises. Such activities shall not be deemed a home occupation. Accessory uses may include satellite television reception equipment, provided these shall be located only in rear yard areas and shall meet the minimum rear and side yard setback requirements for the district in which they are located.

Accessory uses shall also include:

- 1) Residential accommodations for servants, caretakers or night watchmen in any use district.
- 2) Swimming pools, tennis courts and other personal recreational facilities.
- 3) Off-street loading and parking facilities and the storage of goods used, produced or offered for sale which shall be accessory uses in commercial or industrial districts only and subject to all regulations of the district where located.
- 4) Garage or other casual sales of personal property shall be considered an accessory use so long as they are limited to no more than one (1) time within any twelve (12) month period upon the property at which he/she or they reside for a period not to exceed two (2) consecutive days. Sales for families or neighborhoods are limited to two (2) times within twelve (12) month period and shall not exceed a period of three (3) consecutive days.
- 5) The storage in residential districts of trailers, recreational vehicles or boats owned by residents of the premises only. Storage of any such items for nonresidents of the premises whether or not a fee is charged, shall not be deemed an accessory use. All such items shall be stored no closer to the street than the minimum front yard setback requirements of the district.
- 6) Accessory use shall include the keeping of dogs, cats or other domesticated pets, but shall not allow the keeping of exotic or dangerous animals such as, but not limited to, lions, tigers, leopards, panthers, cougars, bobcats, bears, wolves, foxes, apes, gorillas, poisonous or constrictor snakes, crocodiles or alligators.
- 7) The sale of fruits and vegetables grown on the premises where sold.
- 8) Any activity which is the subject of any advertising including, but not limited to newspaper, magazine, radio, television, poster, billboard, handbills, direct mailing, yearbooks, telephone directory or other publications shall not be deemed to be an accessory use in a residential district.

3.9 Agriculture

The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture,

viticulture and animal and poultry husbandry.

3.10 Airport

Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces.

3.11 Alley

See Thoroughfare.

3.12 Alterations

Any structural change, additions, or modification in construction or type of occupancy, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

3.13 Apartment

A room or suite of rooms in a multi-family building arranged and intended as a place of residence for a single-family or a group of individuals living together as a single housekeeping unit as herein defined.

3.14 Apartment Hotel

A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include any accessory uses such as a cigar store, coffee shop, etc. permitted in a hotel as defined herein, provided such uses are accessible only from the lobby.

3.15 Attic

The space between the ceiling beams of the top story and the roof rafters.

3.16 Attic, Habitable

A habitable attic is an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 1/3 feet (2235 mm) above the attic floor is not more than one-third the area of the floor next below.

3.17 Auto Fuel Stations

The business of selling motor vehicle fuels and motor oil and related products, but which does not provide any auto repair services. This business may exist on the same premises and under common management with a grocery or other retail business.

3.18 Auto Repair Station

A place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles.

3.19 Auto Service Stations

A building or buildings, structures and adjoining space used for the dispensing of motor fuel from fixed equipment into the fuel supply tanks of motor vehicles and for the sale and dispensing into or installation on motor vehicles of lubricants and operating supplies and where automotive tires, batteries, parts and accessories may be sold, installed, serviced and adjusted and where, if within a building such services as tire repairing, battery recharging, cleaning and polishing of vehicles, chassis lubrication, motor repairs and adjustments may be rendered.

3.20 Basement

The portion of a building which is partially or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, except as provided in the definition of story.

3.21 Block

The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), between the nearest such street and railroad right-of-way.

3.22 Bed and Breakfast Homestay

A private owner-occupied residence with one to three guest rooms. The Bed and Breakfast Homestay must be a subordinate and incidental to the main residential use of the building.

3.23 Bed and Breakfast Inn

Operated primarily as a business, even though the owner may live on the premises. The Bed and Breakfast/Inn may offer a maximum of twelve guest rooms and include a restaurant open to the general public, as well as to overnight guests. Transient Occupancy must be thirty (30) days or less in accordance with state law.

3.24 Boarding House (Rooming House)

A building other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three or more persons, but not exceeding ten sleeping rooms. A rooming house or a furnished rooming house shall be deemed a boarding house for the purpose of the Resolution.

3.25 Buffering

(See also **Screening**.) A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

3.26 Building

A “building” is any structure which:

1. Is permanently affixed to the land;
2. Has one or more floors and a roof; and
3. Is bounded by either open area or the “lot lines” of a zoning lot.

A building shall not include such structures as billboards, fences, radio towers, tents, awnings, or vehicles situated on the private property; or structures with interior surfaces not normally accessible for human use.

3.27 Building - Accessory

A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

3.28 Building, Height

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

3.29 Building Line

A line parallel to the front lot line at the minimum required front setback line.

3.30 Building, Principal

A building in which is conducted the main or principal use of the lot on which said building is situated.

3.31 Business, Convenience

Commercial establishments which cater to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

3.32 Business, General

Commercial uses which generally require locations on or near major thoroughfares

and/or their intersections and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community.

General business uses include, but need not be limited to such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances and furniture; department stores; and discount stores.

3.33 Business, Highway

Commercial uses which generally require locations on or near major thoroughfares and/or their intersections which tend to serve the motoring public. Highway business uses include, but need not be limited to such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

3.34 Business, Office Type

Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

3.35 Business Services

Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

3.36 Business, Wholesale

Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

3.37 Cemetery

Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

3.38 Channel

A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

3.39 Child day-care

Administering to the needs of infants, toddlers, pre-school children and school children

outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities.

3.40 Child Day-Care Center

Any place in which child day-care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation for 7 to 12 children at any one time. In counting children for the purpose of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

3.41 Type A Family Day-Care Home

A permanent residence of the administrator in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

3.42 Type B Family Day-Care Home

A permanent residence of the provider in which child day-care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

3.43 Clinic

A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

3.44 Club

A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guest.

3.45 Commercial Entertainment Facilities

Any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, night-clubs, cocktail lounges and similar entertainment

activities.

3.46 Comprehensive Development Plan

A plan or any portion thereof, adopted by the planning commission and the legislative authority of the Township of Perkins showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan established the goals, objectives and policies of the community.

3.47 Conditional Use

A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

3.48 Conditional Use Permit

A permit issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

3.49 Condominium

A building or group of buildings in which units are individually owned and common areas and facilities are owned on a proportional, undivided basis by all of the owners.

3.50 Corner Lot

See Lot Types.

3.51 Cul-de-sac

See Thoroughfare.

3.52 Dead-End Street

See Thoroughfare.

3.53 Density

A unit of measurement expressing the number of dwelling units per acre of land.

1. Gross Density - The number of dwelling units per acre of the total land to be developed.

2. Net Density - The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

3.54 Density Bonus

An increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of lower-income housing, open space, or other such

amenities, as provided for in the zoning regulations.

3.55 District

A part, zone, or geographic area within the township within which certain zoning or development regulations apply.

3.56 Dwelling

Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

3.57 Dwelling Unit

Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

3.58 Dwelling, Single Family

A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

3.59 Dwelling, Two-Family

A dwelling consisting of two dwelling units which may be either attached side by side or one above another.

3.60 Dwelling, Multi-Family

A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

3.61 Dwelling, Industrialized Unit

An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparation for its placement and including a modular or sectional unit, but not a mobile home.

3.62 Easements

Authorization by a property owner for the use by another and for a specified purpose, of any designated part of his property.

3.63 Elderly Household

Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

3.64 Elderly Housing Facility

A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities and provide for independent or semi-independent living. For the purposes of this definition, “elderly housing facility” shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

3.65 Elderly Person

Any person who is 62 years of age or older, or any person under 62 years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

3.66 Essential Services

The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, stream or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

3.67 Factory-Built Housing

Factory-built Housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, “factory-built housing” shall include the following:

- 1) **Manufactured Home** . A factory-built structure that is manufactured or constructed under the authority of 42 United States Code Section 540 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and with wheels or axles. Manufactured homes must comply with the following minimum standards:
 - a) **Exterior Siding** . Exterior siding shall be made of nonreflective and non-metallic materials unless approved otherwise. Acceptable siding materials include: vinyl, wood, stucco, brick, stone or other masonry materials, or any combination of these materials.
 - b) **Color/Texture** . Color and texture of exterior materials shall be compatible with the adjacent single-family structures.
 - c) **Roof Structure** . Except for authorized deck areas, all roof structures shall

be sloped and provide an eave projection of no less than six inches and no greater than 30 inches.

- d) **Roofing Material** . All roofing material shall consist of the following categories: wood, shingle, concrete tile or any other material that the Township deems. Metallic roofing surfaces shall not be permitted on the residential structure or on any garage or carport.
- e) **Minimum Floor Area** . The minimum floor area for every dwelling located on a lot in an "R" Zoning District, which is not a part of a mobile home subdivision, shall be 1,000 square feet, excluding the area of garage or carport.
- f) **Minimum Width** . The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be 20 feet.
- g) **Foundations** . All manufactured homes shall be placed on a permanent foundation that meets applicable building code requirements, such as the floor elevation of the proposed dwelling is reasonably compatible with the floor elevations of surrounding dwelling units.

2) **Mobile Home** . A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

3.68 Family

A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

3.69 Farm Vacation Enterprises (Profit or Non-Profit)

Farms adapted for use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery and nature recreation areas; hunting preserves and watershed projects.

3.70 Feedlot

A relatively small, confined land area for fattening or temporarily holding cattle for shipment.

3.71 Fireworks

Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloon which requires fire underneath to propel the

same, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing any explosive substance, except that the term “fireworks” shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap, and toy pistols, toy canes, toy guns, or other devices for the use of such caps.

3.72 Flood Plain

That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

3.73 Flood, Regional

Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

3.74 Floodway

That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

3.75 Floodway Fringe

That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

3.76 Floor Area of a Residential Building

The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use and the area of roofed porches and roofed terraces and garages. All dimensions shall be measured between interior faces of walls.

3.77 Floor Area of a Non-Residential Building

(To be used in calculating Parking Requirements)

The floor area of the specific use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows and fitting rooms and similar areas.

3.78 Floor Area, Usable

Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

3.79 Food Processing

The preparation, storage of processing of food products. Examples of these activities include bakeries, dairies, canneries and other similar businesses.

3.80 Garages, Private

A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises.

3.81 Garage, Public

A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles and in which no service shall be provided for remuneration.

3.82 Group Residential Facility

A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:

1) Class I

Any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residence, exclusive of staff.

2) Class II

Any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care of rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

3.83 Historic Area

A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basis and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural

detail, or because of their being a part of or related to a square, park or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

3.84 Home Occupation

Home Occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood.

3.85 Homes for the Aging

Means a home that provides both of the following:

- 1) Accommodations, supervision and personal care services or accommodations, supervision, personal care services, administration of medication and supervision of special diets for three or more unrelated individuals who are dependent on the services of others by reason of age and physical or mental impairment;
- 2) Personal care services and skilled nursing care for three or more unrelated individuals. The part or unit of the home for the aging that provides personal care services, that may administer medication and that may supervise special diets is licensed as a rest home. The part or unit that provides other skilled nursing care is licensed as a nursing home.

3.86 Hotel or Motel and Apartment Hotel

A building in which lodging or boarding is provided and offered to the public for compensation. It is open to the public in contradistinction to a boarding house, rooming house, lodging house or dormitory which is herein separately defined. Transient Occupancy less than 30 days in accordance with state law.

3.87 Institution

Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

3.88 Junk

Any worn, used or discarded item or material including but not limited to scrap metals, rags, cans, bottles, glass, building materials, packaging, motor vehicles or parts thereof, machinery or parts thereof, used building materials, paper, tires or any other waste product that may or may not be used again.

3.89 Junk Buildings, Junk Shops, Junk Yards

Any land, property, structure, building or combination of the same, on which junk is

stored or processed.

3.90 Kennel

Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, sold and/or which offers provisions for minor medical treatment.

3.93 Livestock

Livestock for the purposes of this Resolution includes any animal used for food or in the production of food, including and not limited to goats, sheep, cattle, rabbits, swine, horses or poultry, whether or nor kept for profit.

3.94 Loading Space, Off-Street

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

3.95 Location Map

See Vicinity Map.

3.96 Lot

For the purposes of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated and accepted public street, or on an approved private street and may consist of:

- 1) A single lot of record;
- 2) A portion of a lot of record;
- 3) A combination of complete lots of record, of complete lots or record and portions of lots of record, or of portions of lots of record.

3.97 Lot Coverage

The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

3.98 Lot Frontage

The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, one side of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under “Yards” in this section.

3.99 Lot, Minimum Area of

The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

3.100 Lot Measurements

A lot shall be measured as follows:

- 1) Depth : The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- 2) Width : The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

3.101 Lot of Record

A lot which is part of a subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

3.102 Lot Types

Terminology used in this Resolution with reference to corner lots, interior lots and through lots is as follows:

- 1) Corner Lot: A corner lot for the purposes of this resolution is a lot having frontage on two (2) or more streets at their intersection. On corner lots, the front yard will be determined by the Zoning Inspector.
- 2) Interior Lot: A lot with only one frontage on a street.
- 3) Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- 4) Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

3.103 Major Thoroughfare Plan

The portion of comprehensive plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.

3.104 Maintenance and Storage Facility

Land, building and structures devoted primarily to the maintenance and storage of construction equipment and material.

3.105 Manufactured Home Park

Any lot upon which three or more manufactured homes are located for residential use,

either free of charge or for revenue purposes, including any roadway, building, structures, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

3.106 Manufacturing, Heavy

Manufacturing processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

3.107 Manufacturing, Light

Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

3.108 Manufacturing, Extractive

Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

3.109 Mobile Home

Any non-self-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

3.110 Mobile Home Park

Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure or intended for use as a part of the facilities of such park.

3.111 Non-conformities

Lots, uses of land, structures and uses of structures and land in combination lawfully existing at time of enactment of this Resolution or its amendments which do not conform to the regulations of the zone in which they are situated and are therefore incompatible.

3.112 Nursing Home

A home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services, but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.

3.113 Open Spaces

An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, any other recreational facilities that the planning commission deems permissible. Streets, parking areas, structures for habitation and the like shall not be included.

3.114 Overlay District

A district described by the zoning map within which, through superimposition of a special designation, further regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

3.115 Parking Space, Off-Street

For the purpose of this resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

3.116 Performance Bond, Surety Bond, or Financial Guarantee

An agreement by a subdivider or developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

3.117 Personal Services

Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

3.118 Planned Unit Development

An area of land in which a variety of housing types and subordinated commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

3.119 Professional Activities

The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects and engineers and similar professions.

3.120 Public Service Facility

The erection, construction, alteration, operation or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, public water and sewage services.

3.121 Public Uses

Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

3.122 Public Way

An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right or which are dedicated, whether improved or not.

3.123 Rest Homes

Means a home that provides either of the following:

- 1) Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment or, in the case of a rest home component of a home for the aging, accommodations to three or more individuals and supervision and personal care services for at least three of those individuals;
- 2) Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment and supervision of special diets or the administration of medication to at least one of those individuals.

3.124 Quasi-Public Use

Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

3.125 Recreation Camp

An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

3.126 Recreation Facilities

Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums and bowling alleys.

3.127 Research Activities

Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration or odor shall be detected outside of said building.

3.128 Roadside Stand

A structure designed or used for the display or sale of agricultural and related products.

3.129 Right-of-Way

A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

3.130 Satellite Signal Receiver

“Dish-type Satellite Signal-Receiving Antennas”, “earth stations” or “ground stations”, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

- 1) A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
- 2) A low-noise amplified (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
- 3) A coaxial cable whose purpose is to convey or transmit signals to a receiver.

3.131 Seat

For purposes of determining the number of off-street parking spaces or certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

3.132 Setbacks

Setback lines: The minimum required distance between the property line and the building or structure line.

- 1) Front setback line
A line extending between the side lot lines across the front of a lot and measured from the road right-of-way to the front of the principle building.
- 2) Rear setback line
A line extending between the side lot lines across the rear of a lot and measured from the rear property line to the rear of the principal building.
- 3) Side setback line
A line extending from the principal building to the side property line on both sides of the principal building between the lines establishing the front and rear property line.

3.133 Sewers, Central or Group

An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

3.134 Sewers, On-Site

A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

3.135 Sidewalk

That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

3.136 Sign

Any illuminated or non-illuminated banner, billboard, display, device, drawing, emblem, etching, figure, flag, identification, landscaping, message, mural, painting, placard, poster, description, illustration, painting, pennant, placard, statue, symbol, or any other contrivance designed, intended, or used to advertise or to convey information outside of a building in the nature of directing attention to a product, service, activity, person, place, institution, business, or solicitation which is visible from any public place or is located on

private property and exposed to public view from outside the property where it is located. For the purpose of removal, a sign shall also include all sign support structures.

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- 1) **Sign, Advertising** - A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises
- 2) **Sign, Air Activated** - A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion
- 3) **Sign, Animated Sign** - Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation For purposes of this Article, this term does not refer to flashing signs, message center signs, or multi- prism indexing signs, all of which are separately defined.
- 4) **Sign Area** - *See Article 28, Section 9 (Computations and Rules of Measurement).*
- 5) **Sign, Area Identification** - A decorative design, free-standing or affixed to a wall or fence, which identifies a neighborhood, a residential subdivision, a multiple residential complex, or a commercial or industrial complex and is located at the intersection of streets of the subdivision with major streets of the Township.
- 6) **Sign, Awning** - A sign attached to or incorporated into an awning. *See also, "Canopy Sign" and "Marquee Sign."*
- 7) **Balloon Signs** – A Sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.
- 8) **Sign, Banner** - Any temporary sign made of paper, lightweight fabric or similar material that is permanently mounted to a pole, window, building, or a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- 9) **Sign, Billboard** - *See "Off-premises Sign."*
- 10) **Blade Sign (aka Feather Signs, Teardrop Signs, & Flag Signs)** – A temporary sign constructed of cloth, canvas, plastic fabric, or similar light-weight, nonrigid material and supported by a single vertical pole mounted into the ground or on a portable structure.
- 11) **Sign, Building Marker** - Any sign indicating the name of a building and date and

incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

12) Sign, Building Sign - Any sign attached to any part of a building, as contrasted to a freestanding sign. **Sign, Canopy** - Any sign that is part of or attached to or constructed in or on a canopy. *See also, "Awning Sign" and "Marquee Sign."*

13) Sign, Changeable Copy - A sign or portion thereof that is capable of changing the position or format of word messages or other displays on the sign face and that can also change the visible display of words, numbers, symbols and graphics by the use of individual letters or characters changed by a person, movable discs, movable panels, light apertures, or other methods. A sign on which the message changes more than eight times a day shall be considered a "Message Center" or "Animated Sign."

14) Sign, Construction Sign - A temporary sign posted on the premises on which construction is taking place during the period of such construction. A construction sign may indicate the *names* of the owners, sponsors, architects, landscape architects, engineers, financial supporters, contractors, suppliers, and/or similar individuals or firms having a role or interest with respect to the structure or project.

15) Sign, Copy - The wording on a sign surface, either in permanent, temporary, or removable letter form

16) Sign, Directional - Any sign which serves solely to designate the location or direction of any place or area. Directional signs include: signs identifying rest rooms, public telephones, or walkways; and signs providing direction such as parking lot "entrance," "no parking," "loading only," and "exit" signs and those of a similar nature.

17) Sign Embellishment - Something that adorns a sign or structural trim on a sign which includes:

1. Letters, figures, characters, or representations in cutouts or irregular forms or similar ornaments attached to or superimposed upon a sign.
2. A purely decorative embellishment on a free-standing sign.
3. The molding, battens, capping, nailing strips, latticing, and platforms which are attached to a sign structure.

18) Sign, Erected - means attached, altered, built, constructed, reconstructed, enlarged or moved, and includes the painting of wall signs, but does not include copy changes on any

sign.

- 19) **Sign, Exempt** - A sign free of obligation from conformance to normal permit requirements.
- 20) **Sign, Flag** - A piece of cloth or other flexible material, varying in size, shape, color, and design, which is usually attached at one edge to a staff or cord and which may be imprinted with an advertising message or design or be of bright colors to attract attention.
- 21) **Sign, Flashing** - Any sign which contains an intermittent or flashing light source, or which creates an illusion of intermittent or flashing light by means of animation, or which contains an externally- mounted intermittent light source. Automatic changing signs such as public service time, temperature, and date signs or electronically controlled message centers are classified as "message center signs," not "flashing signs"
- 22) **Sign, Freestanding** - A sign supported by frame, brace, pole, or pylon structures or supports that are placed on, or anchored in, the ground and are not attached to any building . This includes pole, pylon, low-profile, and monument signs.
- 23) **Sign, Freeway Oriented** - Any sign identifying businesses serving a regional customer area or businesses offering food, lodging, goods or other services essential to the normal operation of motor vehicles, where the sign is designed to be seen and comprehended without visual aid by a person traveling the posted speed limit on an adjacent or nearby freeway.
- 24) **Sign, Future Development** - A temporary sign indicating the future construction or development of a building or area. A future development sign shall not be considered the same as a construction sign.
- 25) **Sign, Ground Level** - means street grade.
- 26) **Sign, Height** - *See Article 28, Section 9 (Computations and Rules of Measurement).*
- 27) **Sign, Holiday** - A sign of a primarily decorative nature with no commercial message, clearly incidental and customary and commonly associated with any national, local, or religious, holiday, provided that such sign shall be displayed for a period of not more than forty-five (45) consecutive days nor more than sixty (60) days in one year.
- 28) **Sign, Identification** - A sign which is limited to providing a word, name, number, address, telephone number, price, logo, trademark, picture, symbol, or any combination identifying the nature of a building, institution, or person and/or the activity carried on in the building or institution, or the occupancy of the person.

- 29) Sign, Illuminated** - A sign lighted by or exposed to artificial lighting either by lights on the sign face, through transparent or translucent material from a light source within the sign, or directed toward the sign by means of floodlights, gooseneck reflectors, or externally mounted fluorescent light.
- 30) Sign, Incidental** - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "credit cards accepted," official notices required by law, trade affiliations, and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
- 31) Sign, Individual Letter** - Any sign made of one or more self-contained letters or symbols that are individually mounted on a foundation, on the face of a building, on top of a parapet, on the roof line of a building or on top of or below a marquee.
- 32) Sign, Institutional Bulletin Board** - A sign which primarily displays the name of an organization and/or upcoming events of that organization.
- 33) Sign Face** - The entire area or display surface of a sign on which copy could be placed or is used for the message. *[See Article X, Section 0 (Computations) for computation of sign area.]*
- 34) Sign, Low Profile** - A free-standing sign erected near ground level and limited to identifying the name of the building or institution on the premises.
- 35) Sign, Maintenance** - means to permit a sign, structure, or any part of either to continue or to repair
- 36) Sign, Marquee** - Any sign attached to, in any manner, or made a part of a marquee. See also, "*Awning Sign*" and "*Canopy Sign*."
- 37) Sign, Message Center** - A sign, or portion of a sign, which displays as a public service the time, temperature, date, public service messages, or controlled reader boards, and where different copy changes are shown on the same lamp or disc bank on which the message changes, mechanically or electronically, more than eight (8) times per day but no more often than one time every five (5) seconds. If any portion of a sign changes more often than one time every five (5) seconds, it shall be considered an "animated sign;" however, any portion of a sign containing a clock or thermometer that changes more often than one time every five (5) seconds shall not be considered an "animated sign." See also, "*Flashing*" Sign and "*Multi-prism Indexing*" Sign.
- 38) Sign, Monument** - A low-profile, free-standing sign with a solid base on the ground approximately the same dimension as the height of the sign.

39) Sign, Multi-prism Indexing - A sign made with a series of polygonal sections that turn and stop, or index, to show several pictures or messages in the same area.

40) Sign, Nameplate - A non-electric sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. If any premises includes more than one occupant, "nameplate" refers to all names and occupations or professions as well as the name of the building and directional information.

41) Sign, Nonconforming - Any advertising structure or sign which was erected and maintained prior to such time as it came within the purview of this Article, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Article, or a nonconforming sign for which a special permit has been issued.

42) Sign, Off-Premises - A third-party sign which does not constitute advertisement for the primary function of the premises on which the sign is located. It is a sign that advertises goods, products, services, or facilities not necessarily sold on the premises on which the sign is installed or which directs persons to a different location from where the sign is installed. Listed below are three main types:

1. Poster panels or bulletins normally mounted on a building wall, roof, or freestanding structure with advertising copy in the form of pasted paper;
2. Multi-prism indexing signs that are the same as those described above and that alternate advertising messages on the one displayed area; and
3. Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted, roof, or free-standing display area.

43) Sign, On-Premises - Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

44) Sign, Painted Wall - A sign painted directly on the exterior wall of a building.

45) Sign, Pennant- Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

46) Sign Plan, Comprehensive - A sign permit application procedure to reward property owners of contiguous properties, shopping centers, or other multi-tenant properties, who plan together to prepare and follow coordinated sign plans in order to prevent uncoordinated sign clutter.

- 47) Sign Plan, Master** - A sign permit application procedure which requires planning and coordination of signs on a property through submission of a master record of permitted and actual signage on a property. A Master Sign Plan readily provides those who administer the signage resolution with information about what signs already exist on a site when they are considering a permit application for a new permitted sign on the site, and it eliminates the need to recompute permitted sign area and numbers for a property every time a sign administration or enforcement question arises.
- 48) Sign, Pole** - A freestanding sign supported by one or more pole structures that are anchored in the ground and that are independent from any building or other structure.
- 49) Sign, Portable**- Any sign not permanently attached to the ground or a permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business.
- 50) Sign, Projecting** - Any sign, other than a "Wall Sign," which is affixed to a building or wall in such a manner that its leading edge projects more than one foot from a building or wall face.
- 51) Sign, Public Service Information** - Any sign intended primarily to promote items of general interest to the community, such as time, temperature, and date, atmospheric conditions, news, or traffic control, etc.
- 52) Sign, Pylon** - See "*Freestanding Sign.*"
- 53) Sign, Real Estate** - Any sign pertaining to the sale, lease, or rental of land or buildings.
- 54) Sign, Roof** - Any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.
- 55) Sign, Rotating** - A sign or portion of a sign which moves in a revolving or similar manner, but does not include "Multi-prism Indexing Signs" or "Changeable Copy Signs."
- 56) Sign Sticker** - A sticker affixed either to the face or the channel of a sign visible from the street denoting the name of the manufacturer or designated servicing company for purpose of identification by Township officials or others.
- 57) Sign Structure** - Any structure which supports, has supported, or is capable of supporting a

sign, including decorative cover.

58) Sign, Suspended - Any sign that is suspended from the underside of a horizontal plane surface and supported by such surface. See *a/so*, "*Projecting Sign*," "*Swinging Sign*," "*Under-canopy Sign*," or "*Under-marquee Sign*."

59) Sign, Swinging - A hinged sign installed in an arm or spar, which sign is not, in addition, permanently fastened to an adjacent wall or upright pole.

60) Sign, Temporary - A sign intended to be displayed for a short period of time (e.g., typically thirty (30) days not more than two times per year) and which is not permanently affixed, including all devices such as banners, pennants, flags (not intended to include flags of any nation, political subdivision, or corporation), searchlights, twirling, or sandwich-type signs, sidewalk or curb signs, and balloons or other air or gas filled figures.

61) Sign, Temporary Window - Any temporary sign, flag or banner that is constructed, hung, placed, painted, or otherwise affixed on the interior of a window for a short period of time (e.g., typically 30 days not more than two times per year) that draws attention to or identifies a business, product or service available on the premises, such as occasional sales, promotions, or a change in the status of the business. Temporary window signs shall not have permanent fasteners, frames, braces, or electrical connections which require permits for placement, and must not have the functional effect of a permanent sign (e.g., a series of temporary window signs that in effect serve as "Changeable Copy" signs.)

62) Sign, Under Canopy - A sign suspended below the ceiling or roof of a canopy. Sign, Under Marquee - A sign suspended below the ceiling or roof of a marquee.

63) Sign, Unlawful - A sign that is not in conformity with this Article, or which the Zoning Official may declare to be unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment, or a nonconforming sign for which a permit required under a different Article was not obtained.

64) Signs, Vehicle – any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary sign

65) Sign, Wall - Any sign attached parallel to and within one foot of, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building, and which displays only one sign surface. (Compare to "Projecting Sign.")

66) Sign, Window - Any sign, pictures, symbol, or combination thereof, designed to

communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. This term shall not include merchandise located in a window display.

67) Signs, Yard – Any permanent or temporary sign placed on the ground or attached to a supporting structure, posts, or poles. That is not attached to any building.

3.137 Solar Panel

A panel consisting of an array of solar cells used to generate electricity directly from sunshine.

3.138 Special District

A zoning district created to meet the needs of an area experiencing unusual problems, or one that is designed to meet special needs.

3.139 Story

That part of a building between the surface of a floor and the ceiling immediately above. (See Basement.)

3.140 Structure

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

3.141 Subdivision

- 1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- 2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

3.142 Supply Yards

A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods.

3.143 Swimming Pool

A pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

- 1) Private : Exclusively used without paying an additional charge for admission by the residents, development, or a community, the members guest of a club, or the patrons of a motel or hotel; an accessory use.
- 2) Community : Operated with a charge for admission; a primary use.

3.144 Thoroughfare, Street or Road

The full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- 1) Alley : A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- 2) Arterial Street : A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- 3) Collector Streets : A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- 4) Cul-de-sac : A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- 5) Dead-end Street : A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- 6) Local Street : A street primarily for providing access to residential or other abutting property.
- 7) Loop Street : A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- 8) Marginal Access Street : A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called frontage streets).

3.145 Through Lot

See Lot Types.

3.146 Transient Occupancy

Transient occupancy is considered to be a short term rental in part or all of a residential dwelling that is rented less than thirty (30) consecutive days. Transient Occupancy of a dwelling is not permitted in the R-1, R-1A, R-1B, R-2, R-3 residential zoning districts with the exception of a boarding house in R-3 district.

3.147 Transportation, Director of

The Director of the Ohio Department of Transportation.

3.148 Use

The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

3.149 Variance

A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

3.150 Veterinary Animal Hospital or Clinic

A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

3.151 Vicinity Map

A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision to other nearby developments or landmarks and community facilities and devices within the general area in order to better locate and orient the area in question.

3.152 Walkway

A public way, four (4) feet or more in width for pedestrian use only, whether along the side of a road or not.

3.153 Wind Energy Conversion Systems

A system converting wind energy into electrical energy. Wind energy conversions must comply with Article 26, Section 29. (Adopted July 14, 2009 – Resolution #2009-0094)

3.1545 Yard

An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided by this resolution.

1. **Yard Front**

A yard extending between side lot lines across the front of a lot and measured from the road right-of-way to the front of the principal building.

2. **Yard Rear**

A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

3. **Yard Side**

A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

3.155 Zero Lot Line Development

An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than 5 feet unless it abuts the lot line and is provided with an access easement of 5 feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.

3.156 Zoning Inspector

The Zoning Inspector is the person designated by the Board of Township Trustees to administer and enforce zoning regulations and related resolution.

3.157 Zoning Permit

A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses.

3.158 Adult Business Definitions

a) Adult Business

Includes an adult bookstore, adult cabaret, adult motion picture theater, adult oriented business and massage establishments.

b) Adult Bookstore

Means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sales or rentals; or for the purpose of display by coin or token operated devices; or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices or both; books,

magazines, other periodicals, films, tapes, cassettes, or compact discs which are distinguished by their emphasis on adult materials.

c) Adult Cabaret

Means a nightclub, bar, restaurant, supper club, lounge or similar establishment in which persons appear in a state of nudity in the performance of their duties.

d) Adult Material

Means material that is distinguished or characterized by its sexually oriented material that is harmful to juveniles or obscene.

e) Adult Motion Picture Theater

Means an enclosed or open air motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material.

f) Adult Oriented Business

Means an establishment having as its primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene.

g) Church

Means any church, synagogue, mosque, temple or building which is used primarily for religious worship, religious services and related religious activities.

h) Harmful to Juveniles

Means any material or performance if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles and if any of the following apply.

1. It tends to appeal to the prurient interest of juveniles.
2. It contains a display, description, or representation of sexual activity, masturbation, sexual excitement or nudity.
3. It contains a display description or representation of bestiality or bizarre violence, cruelty or brutality.
4. It contains a display, description or representation of human bodily functions of elimination.
5. It make repeated use of foul language.
6. It contains a display, description or representation in lurid detail of the violent torture, dismemberment, destruction or death of a human being.
7. It contains a display, description or representation of criminal activity that tends to glorify or glamorize the activity, and that with respect to juveniles, has a dominate tendency to corrupt.

- i) Massage**
Means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external soft tissue of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance.

- j) Massage Establishment**
Means any fixed place of business where a person offers massages, either in exchange for something of value or in connection with providing another legitimate service. For the purpose of this zoning resolution, “massage establishment” does not include those businesses practicing any limited branch of medicine or surgery by persons certified to practice under Ohio Revised Code Section 4731.75 and 4731.16 or providing therapeutic massage by a licensed physician, chiropractor, podiatrist, nurse or other health professional licensed, certified or registered in Ohio.

- k) Material**
Means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phone-graphic record or tape, or other things capable of arousing interest through sight, sound or touch.

- l) Nudity**
Means the showing, representation or depiction of any of the following:
 1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or
 2. The female breast with less than fully opaque covering on any part of the areola and nipple; or
 3. The covered named genitals in a discernibly turgid state.

- m) Obscene**
Means any material or performance, when considered as a whole and judge with reference to ordinary adults or if it is designated for sexual deviates or other especially susceptible group judge with reference to the group, if any of the following apply:
 1. It tends to appeal to the prurient interest.
 2. Its dominate tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite.
 3. Its dominant tendency to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality.
 4. Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in a person with ordinary sensibilities, without serving as a genuine

scientific, educational, sociological, moral or artistic purpose.

5. It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation rather than primarily for a genuine scientific, education, sociological, moral or artistic purpose.

n) Public Park

Means public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian or bicycle paths, baseball diamond, open space, wilderness areas or similar public land with the Township which is under the control, operation or management of the Township, County or State.

o) School

Means any public or private educational facility including but not limited to child daycare facility, nursery school, preschool, kindergarten, elementary school, primary school, intermediate school, junior high school, middle school, high school, vocational school, secondary school, special educational school, junior college, college and university. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

p) Sexual Activity

Means sexual conduct or sexual contact or both.

q) Sexual Conduct

Means vaginal intercourse between a male and female and intercourse, fellatio and cunnilingus between persons regardless of gender, and the insertion, however slight, of any part of the body or any instrument apparatus or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

r) Sexual Contact

Means any touching of a erogenous zone of another, including and without limitation the thigh, genitals, buttocks, pubic region, or if the person is a female, a breast for the purpose of sexually arousing or gratifying either person.

s) Sexual Excitement

Means the condition of the human male or female genitals when in the state of sexual stimulation or arousal.

- t) **Theater**
A building used for the presentation of live stage productions, performances or motion pictures.

ARTICLE 4 - ADMINISTRATION

4.0 Purpose

This Article sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, the Board of Township Trustees and the Zoning Inspector with respect to the administration of the provisions of this Resolution.

4.1 General Provision

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies within the Township:

- 1) Zoning Inspector
- 2) Zoning Commission
- 3) Board of Zoning Appeals
- 4) Township Trustees
- 5) County Prosecutor or Special Counsel hired pursuant to R.C. 519.24.

4.2 Zoning Inspector

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He or she may be provided with the assistance of such other persons as the Board of Township Trustees may direct.

4.3 Responsibilities of Zoning Inspector

For the purpose of this Resolution, the Zoning Inspector shall have the following duties:

- 1) Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.
- 2) Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
- 3) Issue zoning permits and certificates of occupancy as provided by this Resolution and keep a record of same with a notation of any special conditions involved.
- 4) Act on all applications upon which he or she is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his or her refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
- 5) Conduct inspections of buildings and uses of land to determine compliance with

this Resolution and in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.

- 6) Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township offices.
- 7) Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning certificates, inspection documents and records of all variances, amendments and special uses.
- 8) Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals and the public.
- 9) Review and approve plot plans pursuant to this Resolution.
- 10) Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop orders or tickets to be issued or initiate such other administrative or legal action as needed to address such violations.
- 11) Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

4.4 Township Zoning Commission

The Board of Township Trustees of any Township proceeding under Sections 519.99, inclusive, of the Revised Code shall create and establish a Township Zoning Commission. The Commission shall be composed of five members who reside in the unincorporated area of the Township, to be appointed by the Board of Trustees and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Trustees, upon written charges and after a copy of the charges have been served upon the member so charged at least ten days prior to the hearing, either personally by certified mail or by leaving such copy at this usual place of residence. The members shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

4.5 Recommendations of Township Zoning Commission; Organization, Powers and Compensation of Commission

The Township Zoning Commission shall submit a plan, including both text and maps

representing the recommendations of the Zoning Commission, for the carrying out by the Board of Township Trustees for the powers, purposes and provisions set forth in Sections 519.01 to 519.99, inclusive, of the Revised Code, including additions to territory in which Township Zoning Resolution is in effect.

The Zoning Commission shall organize, adopt rules for the transaction of its business and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such other compensation, or both, as the Board may approve and provide. No Township Trustee shall be appointed to the Zoning Commission of his or her Township.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments and agencies and such officials, departments and agencies having information, maps and data pertinent to Township zoning shall be made available for the use of the Zoning Commission.

In any county where there is a Regional Planning Commission, the Zoning Commission may request such Planning Commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps for the unincorporated area of the Township or any portion of the same.

4.6 Amendments to Zoning Resolution; Procedure; Referendum

Amendments to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a Resolution therefore by the Board of Township Trustees, or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessees of property filing an application to amend the zoning resolution pay a fee therefore to defray the cost of advertising, mailing and other expenses. The Township Trustees require a fee and it shall be paid for each application.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty nor more than forty days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least ten days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across

the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list. The failure to delivery of such notice shall not invalidate any such amendment.

Zoning Commission Procedures

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the County Auditor's current tax list, the published and mailed notices shall set forth the time, date and place of the public hearing and shall include all of the following:

- 1) The name of the Zoning Commission that will be conducting the public hearing;
- 2) A statement indicating that the motion, resolution or application is an amendment to the zoning resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the County Auditor's current tax list;
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- 5) The time and place where the motion, resolution or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the public hearing;
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- 7) Any other information requested by the Zoning Commission;
- 8) A statement that after the conclusion of such hearing the matter will be submitted to the Board for its action.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing and shall include all of the following:

- 1) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
- 2) A statement indicating that the motion, application or resolution is an amendment

to the zoning resolution;

- 3) The time and place where the text and map of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing;
- 4) The name of the person responsible for giving notice of the public hearing by publication;
- 5) A statement that after conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action;
- 6) Any other information requested by the Zoning Commission.

Within five days after the adoption of such motion or the certification of such resolution or the filing of such application the Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the Regional Planning Commission.

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

The Zoning Commission shall, within thirty days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Regional Planning Commission thereon to the Board of Township Trustees. The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the Township, at least ten days before the date of such hearing.

Board of Trustees Procedures

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the County Auditor's current tax list, the published notice of the Board of Trustees public hearing shall set forth the time, date and place of the public hearing and shall include all of the following:

- 1) The name of the board that will be conducting the public hearing;

- 2) A statement indicating that the motion, application or resolution is an amendment to the Zoning Resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- 5) The time and place where the motion, application or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the public hearing;
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- 7) Any other information requested by the Board.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the County Auditor's current tax list, the published notice shall include all of the following:

- 1) The name of the board that will be conducting the public hearing on the proposed amendment;
- 2) A statement indicating that the motion, application or resolution is an amendment to the zoning resolution;
- 3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing;
- 4) The name of the person responsible for giving notice of the public hearing by publication;
- 5) Any other information requested by the board.

Within twenty days after such public hearing, the Board of Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board shall be required.

Such amendment adopted by the Board shall become effective in thirty days after the date of such adoption unless within thirty days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of such next primary or general elections. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment, resolution, motion or application furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Revised Code.

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than seventy-five days prior to the election at which the question is to be voted upon.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

4.7 Ratification of Amendments to Township Zoning Map

All amendments or supplements to a Township Zoning Map adopted by a Board of Township Trustees prior to the effective date of this act, except those amendments or supplements which a court of competent jurisdiction declared unlawful or unreasonable or which are the subject of action now pending in such a court, are hereby ratified and shall be valid amendments or supplements to such zoning plan regardless of the procedure followed with respect to such amendments or supplements prior to their adoption by a Board of Township Trustees, except that no right of appeal on the issue of the unlawful or unreasonable character of an amendment or supplement shall be lost by the provisions of this section.

4.8 Township Board of Zoning Appeals; Compensation and Expenses

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five members who shall be residents of the unincorporated territory in the Township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his or her successor is appointed and qualified. Members shall be removable for the

same causes and in the same manner as provided by Section 519.04 of the Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Board of Zoning Appeals may within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical and other assistants as it deems necessary.

4.9 Powers of Township Board of Zoning Appeals

The Township Board of Zoning Appeals may:

- 1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the Revised Code or of any resolution adopted pursuant thereto;
- 2) Authorize, upon appeal, in specific causes, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship and so that the spirit of the resolution shall be observed and substantial justice done;
- 3) Grant conditional zoning certificates for the use of land, buildings or other structures if such certificates for specific uses are provided for in the zoning resolution;
- 4) Revoke an authorized variance or conditional zoning certificate, if any condition of the variance or certificate is violated.

The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under division (d) of this section and of his or her right to a hearing before the Board, within thirty days of the mailing of the notice, if he or she so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing, and notify the holder. At the hearing, the holder may appear in person, by his or her attorney or other representative, or he or she may present his/her position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision

or determination as ought to be made and to that end has all powers of the officer from whom the appeal is taken.

4.10 Rules, Organization and Meeting of Zoning Appeals Board

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Board determines. The chairman, or in his absence the acting chairman, may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Township Trustees and be a public record.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers or general circulation in the county at least ten days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. At the hearing, any person may appeal in person or by attorney.

4.11 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution, the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law and of establishing a schedule of fees and charges as stated in Section 1351 of this Resolution.

Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Chapter 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

4.12 Board of Township Trustees

The powers and duties of the Township Trustees pertaining to the Zoning Resolution are as follows:

- 1) Approve the appointments of members to the Zoning Commission.
- 2) Approve the appointments of members to the Board of Zoning Appeals.
- 3) Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning Map. All action upon a suggested zoning amendment shall be undertaken at a public hearing.
- 4) Approve appointment of the zoning inspectors and assistants, as may be requested.

4.13 Schedule of Fees

The Board of Township Trustees shall, by Resolution, establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the Office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. Until all such appropriate fees, charges and expenses have been paid in full, no action shall be taken on any application, appeal or administrative procedure.

ARTICLE 5 - ENFORCEMENT

5.0 General

This article stipulates the procedures to be followed in obtaining permits, certificates and other legal or administrative approvals under this Resolution.

5.1 Zoning Permits Required

No building or other structure shall be erected, moved, added to, structurally altered nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding on appeal, conditional use or variance or from the Board of Township Trustees approving a Planned Unit Development District, as provided by this Resolution.

5.2 Contents of Application for Zoning Permit

The application for a zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one-half (2 ½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- 1) Name, address and phone number of applicant;
- 2) Legal description of property, when required by Zoning Inspector;
- 3) Existing use;
- 4) Proposed use;
- 5) Zoning district;
- 6) Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration(s);
- 7) Building heights;
- 8) Number of off-street parking spaces or loading berths, and their layout;
- 9) Location and design of access drives;
- 10) Number of dwelling units;
- 11) If applicable, application for a sign permit or a conditional, special or temporary use permit, unless previously submitted.

5.3 Approval of Zoning Permit

Within thirty (30) days after receipt of an application, the Zoning Inspector shall either approve or disapprove a zoning permit.

5.4 Submission to Director of Ohio Department of Transportation

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of the Ohio Department of Transportation that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director. If the Director notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

5.5 Expiration of Zoning Permit

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one half (2½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

5.6 Record of Zoning Permits

The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished upon request and payment of the established fee to any person.

5.7 Failure to Obtain a Zoning Permit

Failure to obtain a zoning permit shall be a punishable violation of this Resolution.

5.8 Construction and Use to be as Provided in Applications, Plans and Permits

Zoning permits are issued on the basis of plans and applications being approved by the Zoning Inspector authorizing only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

5.9 Complaints Regarding Violations

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it and take action thereon as provided by this Resolution.

5.10 Entry and Inspection of Property

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a valid search warrant prior to entry.

5.11 Stop Work Order

Subsequent to the Zoning Inspectors determination that work is being done contrary to this Resolution, they shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Resolution.

5.12 Zoning Permit Revocation

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

5.13 Notice of Violation

Whenever the Zoning Inspector or their agent determines that there is a violation of any provision of this Resolution, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

- 1) Be in writing;
- 2) Identify the violation;
- 3) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution being violated; and
- 4) State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

- 1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or

- 2) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered on record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- 3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

5.14 Ticketing Procedure

If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket. Such ticket shall:

- 1) Be served personally;
- 2) Be in writing;
- 3) Identify the violation;
- 4) State the time, date and place for appearance in court; and
- 5) State the amount of the fine payable in lieu of a court appearance. If the ticket cannot be served personally, the Zoning Inspector shall request that a summons be issued by the court.

5.15 Penalties and Fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of the requirements shall upon conviction thereof be fined not more than one hundred (\$100) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

5.16 Additional Remedies

Nothing in this Resolution shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Prosecuting Attorney or the owner of any neighboring property who would

be especially damaged by such violation, may, in addition to other resources provided by law, institute mandamus, injunction, abatement or other appropriate actions to prevent, remove, abate, enjoin or terminate such violation.

ARTICLE 6 - NONCONFORMITIES

6.0 Purpose

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

6.1 Incompatibility of Nonconformities

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located without approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

6.2 Completion of Nonconforming Structures

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has substantially begun in preparation of rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

6.3 Certificates for Nonconforming Uses

The Zoning Inspector may, upon their own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

6.4 Substitution of Nonconforming Uses

So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, in accordance with the standards contained in Section 6.7, which requirements shall pertain as stipulated conditions to the approval of such change and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

6.5 Single Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

6.6 Nonconforming Lots of Record in Combination

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for

the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements.

6.7 Nonconforming Structures or Uses

Where a lawful structure or use of land exists at the effective date of adoption or amendment of this Resolution that does not meet the minimum requirements of the district in which the lot is located, or is not a lawful use within the district, such structure or use may be continued as long as it remains otherwise lawful.

- 1) The Board of Zoning Appeals is hereby authorized to grant a variance from the literal provisions of this Resolution in order to allow the restoration, reconstruction, extension or substitution of a nonconforming use of land or nonconforming structure in accordance with the following terms:
 - a) The restoration, reconstruction, extension or substitution of the nonconforming use or structure will not be contrary to the public interest.
 - b) Where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship.
 - c) There must exist special circumstances or conditions, fully described by the applicant, which are such that the strict application of the provisions of this Resolution would deprive the applicant of reasonable use of the structure or land. Mere loss in value shall not justify an approval by the Board of Zoning Appeals; there must be deprivation of beneficial use of the structure or land.
 - d) The lot area shall be adequate to accommodate the required off-street parking for the structure as restored, reconstructed, extended or substituted. The design, location and surface of the parking area shall be provided so as to reduce congestion, promote safety and to reduce the impact on the existing neighborhood.
 - e) No nonconforming use shall be permitted to restore, reconstruct, extend or substitute if it will result in a greater detriment to surrounding properties.
 - f) No nonconforming use may be expanded beyond the property limits as existing at the time this Resolution was adopted or amended to make the use or structure nonconforming.
 - g) Where nonconforming use status applies to a structure and premises in

combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this Article is defined as damaged to an extent of more than sixty (60) percent of the replacement costs at time of destruction.

- h) The replacement of one mobile home with another mobile home shall not be considered reconstruction or restoration under this provision.
- i) If any nonconforming use is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

6.8 Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding fifty (50) percent of the current assessed value of the nonconforming structure as the case may be, provided that the cubic feet existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Zoning Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the District in which it is located.

ARTICLE 7 - PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

7.0 General

Appeals and variances shall conform to the procedures and requirements of 7.1 to 7.10 inclusive, of this Resolution. The Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

7.1 Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

7.2 Stay of Proceedings

An appeal stays all actions by the Zoning Inspector seeking enforcement of or compliance with the order or decision appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals that (because of facts stated in the certificate) a stay would, in their opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Zoning Appeals or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the Zoning Inspector.

7.3 Variances

A variance may be granted by the Board of Zoning Appeals if it concludes that strict enforcement of the Resolution would result in unnecessary hardships in the case of use variances for the applicant and that by granting the variance, the spirit of the Resolution will be observed, public safety and welfare secured, substantial justice done and that the variance will not be contrary to the public interest. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship in the case of a use variance or practical difficulties in the case of an area variance.

7.4 Application and Standards for Variances

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of this Resolution shall be granted by the Board of Zoning Appeals, unless the Board finds that the written application for the requested variance contains all of the following requirements:

- 1) Name, address and phone number of applicant(s);
- 2) Legal description of property;
- 3) Description or nature of variance requested;
- 4) A fee as established by resolution from the Board of Trustees;
- 5) Narrative statements establishing and substantiating that the variance conforms to the following standards:
 - a) The granting of the variance shall be in accordance with the general purpose and intent of the regulations imposed by this Resolution in the district in which it is located and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - b) The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 - c) There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
 - d) There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on the basis by one who purchases with or without knowledge of the restrictions; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
 - e) The granting of the variance is necessary for the reasonable use of the land or building and the variance as granted is the minimum variance that will accomplish this purpose.
 - f) The proposed variance will not impair an adequate supply of light and air

to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values of the adjacent area.

- g) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures or buildings in the same district.

7.5 Additional Conditions and Safeguards

The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, with which the variance has been granted, shall be deemed a punishable violation under this Resolution.

7.6 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal of variance from the Zoning Inspector or an applicant.

7.7 Notice of Public Hearing

Before conducting the public hearing required in Section 7.6, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the date, time and place of the public hearing and the nature of the proposed appeal or variance.

7.8 Notice to Parties in Interest

Before conducting the public hearing required in Section 7.6, written notice of such hearing shall be mailed at least ten (10) days before the day of the hearing to the appellant or applicant as well as to all property owners located within 200 feet of the property affected by the appeal or variance requested. The notice shall contain the same information required of notices published in newspapers as specified in Section 7.7.

7.9 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 7.6, the Board of Zoning Appeals shall either approve, approve with supplementary conditions or disapprove the request for appeal or variance. The Board of Zoning Appeals shall maintain minutes containing its conclusions of fact and reasons for granting or refusing to grant the variance or for sustaining or denying the appeal. Appeals from the Board's decision shall be in accordance with Chapter 2506, Ohio Revised Code.

7.10 Term of Variance

No order of the Board of Zoning Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or

zoning approval is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

ARTICLE 8 - AMENDMENT

8.1 General

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property in the Township.

8.2 Initiation of Zoning Amendments

Amendments to this Resolution may be initiated in one of the following ways:

- 1) By adoption of a motion by the Zoning Commission;
- 2) By adoption of a resolution by the Board of Township Trustees;
- 3) By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

8.3 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this Resolution by Article 10 shall contain at least the following information:

- 1) The name, address and phone number of applicant;
- 2) A statement of the reason(s) for the proposed amendment;
- 3) Present use;
- 4) Present zoning district;
- 5) Proposed use;
- 6) Proposed zoning district;
- 7) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
- 8) A statement on the ways in which the proposed amendment relates to the comprehensive plan;
- 9) A fee as established by Resolution of the Board of Township Trustees.

8.4 Contents of Application for Zoning Text Amendment

Application for amendments proposing to change, supplement, amend or repeal any portion(s) of this Resolution, other than the official Zoning Map, shall contain at least the following information:

- 1) The name, address and telephone number of the applicant;
- 2) The proposed amending resolution;

- 3) A statement of the reason(s) for the proposed amendment;
- 4) A site plan indicating how the site will be developed;
- 5) A fee as established by Resolution of the Board of Township Trustees.

8.5 Transmittal to Zoning Commission

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

Amended 5/12/16 Resolution #2016-076

8.6 Submission to Regional Planning Commission

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filings of an application by at least one (1) owner or lessees, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case in question, to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation considered at the public hearing held by the Zoning Commission.

Amended 5/12/16 Resolution #2016-076

8.7 Standards of Recommendations of Township Zoning Commission

The Zoning Commission shall review the particular facts and circumstances, each amendment should be carefully considered, keeping in mind the fact that the burden of proof and that the need for the change rests with the applicant. The following questions should be asked when considering district changes.

- 1) Is there vacant land in the area already zoned to accommodate this use? If there is a considerable amount of land zoned for the requested purpose, and if little of it is used, the need to rezone more land should be carefully analyzed.
The fact that the cost of the land already zoned may be more expensive does not mean that the Township should rezone more land.
- 2) What other effects might the adoption of the proposed amendment on future land uses in the area? What will be the long-term effect of the proposed change?
- 3) How does the proposed change relate to existing public facilities and services such as water, sewer, police and fire protection and schools?
- 4) What is the present character of the area in terms of existing land use and physical characteristics? Do the physical characteristics of the area cause problems for development?

- 5) What are the factors that make this location well-suited for the uses permitted in the proposed zoning district?
Amended 5/12/16 Resolution #2016-076
- 6) Would all of the permitted uses in the proposed district be compatible with the existing potential future development in the area?
- 7) What effect would the rezoning have on property values?
- 8) Would the rezoning cause a considerable increase in the volume of traffic? Can existing roads accommodate this traffic?
- 9) Does the area proposed for rezoning reflect land needed for the proposed use or does it merely reflect the applicant's property lines?
- 10) Is there a physical feature such as a river, creek, or railroad that can be used as a natural dividing line to separate a new district from adjacent properties?

8.8 Submission to Director of Transportation

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

8.9 Public Hearing by Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

8.10 Notice of Public Hearing in Newspaper

The notice of the hearing before the Zoning Commission which is published in a newspaper of general circulation of the Township at least ten (10) days prior to the date of the hearing and sent to landowners if there are ten or fewer parcels must contain in addition to the time, date and place of the hearing the following:

- 1) The name of the Zoning Commission that will be conducting the public hearing;
- 2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the County Auditor's current tax list;
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- 5) The time and place where the motion, resolution or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the public hearing;
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- 7) Any other information requested by the zoning commission;
- 8) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

The notice that is published if the amendment alters the text or when there are more than ten parcels must contain in addition to the time, date and place of the public hearing all of the following:

- 1) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
- 2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- 3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing;

- 4) The name of the person responsible for giving notice of the public hearing by publication;
- 5) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action;
- 6) Any other information requested by the Zoning Commission.

8.11 Notice of Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within two hundred (200) feet from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 8.10.

8.12 Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required by Section 8.9, the Zoning Commission shall recommend the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the Comprehensive Plan.

8.13 Public Hearing by Board of Township Trustees

Where the proposed amendment intends to rezone ten or fewer parcels, the published notice must contain in addition to the time, date and place of the hearing:

- 1) The name of the board that will be conducting the public hearing;
- 2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;

- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- 5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the public hearing;
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- 7) Any other information requested by the board.

If the amendment alters the text or rezones more than ten parcels, the published notice must contain in addition to the time, date and place of the hearing:

- 1) The name of the board that will be conducting the public hearing on the proposed amendment;
- 2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- 3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing;
- 4) The name of the person responsible for giving notice of the public hearing by publication;
- 5) Any other information requested by the board.

8.14 Action by Board of Township Trustees

Within twenty (20) days after the public hearing required by Section 8.13, the action by Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the action by Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Township Trustees is required.

Amended 5/12/16 Resolution #2016-076

8.15 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the

Township or part thereof include in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the voters cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

ARTICLE 9 – PROCEDURES FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; AND ACCESSORY USES

9.0 Purpose

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements and traffic generation. Consequently, conditional use permits are not affected by the transfer of ownership, provided the use remains the same.

9.1 Contents of Conditional Use Permit Application

Any owner, or agent thereof, of property for which a conditional use is proposed, shall make an application for a conditional use permit by filing it with the Zoning Inspector. Such application at a minimum shall contain the following information:

- 1) Name, address and phone number of the applicant;
- 2) Legal description of the property;
- 3) Zoning district;
- 4) Description of existing use;
- 5) Description of proposed conditional use;
- 6) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features and such other information as the Board may require;
- 7) A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the Erie County Comprehensive Plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes and vibration;
- 8) A fee as established by Resolution; and
- 9) A narrative addressing each of the applicable criteria contained in Section 9.2.

9.2 General Standards for all Conditional Uses

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- 1) Is in fact a conditional use as appears on the schedule of district regulations adopted for the zoning district involved;
- 2) Will be in accordance with the general objectives, or with any specific objective, of the Township's Comprehensive Plan and/or zoning resolution;
- 3) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- 4) Will not be hazardous or disturbing to existing or future neighboring uses;
- 5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- 6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
- 8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
- 9) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

9.3 Public Hearing

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit submitted by an applicant through the Zoning Inspector.

9.4 Notice of Public Hearing

Before conducting the public hearing required in Section 9.3, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing and shall provide a summary explanation of the conditional use proposed.

9.5 Notice to Parties of Interest

Prior to conducting the public hearing required in Section 9.3, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the hearing to all owners within two hundred (200) feet of the property affected by a request for such a permit. The notice shall contain the same information as required in Section 9.4 for notices published in newspapers.

9.6 Action by the Board of Zoning Appeals

Within thirty (30) days after the date of the public hearing required in Section 9.3, the Board shall take one of the following actions:

- 1) Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 9.7. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.
- 2) Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
- 3) Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval. If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas.

9.7 Supplementary Conditions and Safeguards

In granting approval for any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Resolution. The conditions are as follows:

- 1) The location, width, radius and number of driveways entering onto any public street;
- 2) The requirement that barriers be established to prevent access to a public street at any other location than established driveways;
- 3) A limitation upon access to certain public streets where there are more than one public street abutting the property;

- 4) Limitations upon the use of required setbacks for the parking of motor vehicles, storage or display of goods for sale or use, or the location of dumpsters;
- 5) Limitations on the intensity and location of lighting and requirements that lighting be shielded from adjoining properties;
- 6) Requirements that surface water be detailed, channeled or otherwise carried from the property to public storm sewers so as to avoid injury to adjoining properties; and
- 7) Requirements that culverts be installed parallel to the road under any proposed driveway so as not to interfere with the existing flow of surface water. The size of the culvert shall be determined based upon accepted engineering standards.

9.8 Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize any one particular conditional use and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one year of the date on which the permit was issued, or if for any reason such use shall cease for more than two (2) years.

9.9 Certificate for Conditional Use

- 1) The Zoning Inspector shall upon their own initiative, or shall upon the request of any owner, issue a certificate for any conditional use deemed valid by the Board of Zoning Appeals.
- 2) The purpose of this section is to protect the owners of lands or structures that are of a conditional nature. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file, along with an indexed overlay, of all such certificates.

ARTICLE 10 – ZONING DISTRICTS & BOUNDARY INTERPRETATIONS

10.0 Purpose

The purpose of this article is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Resolution, to provide for orderly growth and development and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

10.1 Establishment of Districts

The unincorporated portions of Perkins Township are hereby divided into districts or zones as shown on the Zoning Map, which accompanies this Resolution. The different districts are as follows:

1)	Agricultural District	A
2)	Rural Residential District	R-R
3)	Single Family Residential District	R-1, R-1A, R-1B
4)	Two-Family Residential District	R-2
5)	Multi-Family Residential District	R-3
6)	Professional & Business Offices	PBO
7)	Local Commercial District	C-1
8)	General Commercial District	C-2
9)	Recreational District	Rec
10)	Light Industrial	I-1
11)	Heavy Industrial	I-2
12)	Mineral Aggregate	MA
13)	Planned Unit Development	PUD
14)	Floodplain, Floodway, & Wetland Overlay District	FFW

10.2 Zoning District Map

The districts established in Section 10.1, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Resolution and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

10.3 Zoning Map Legend

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend.

10.4 Identification of Official Zoning Map

The Official Zoning Map shall be properly identified by the signature of Township Trustees, as attested by the Township Clerk and bearing the official seal. The Map shall be maintained by the Zoning Inspector and shall remain on file in the Office of the Clerk.

The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description as found in the text of this Resolution. The Official Zoning Map shall be of a reproducible document and copies shall be made available to the public upon request and upon payment of a fee as established by resolution.

10.5 Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

- 1) Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way shall be construed to be said boundaries;
- 2) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries;
- 3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
- 4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
- 5) Where the boundary of a district follows a stream, lake, or body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated;
- 6) Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits; and
- 7) Whenever any street, alley, or other public way is vacated by any official Board of Township Trustees' action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such

vacation and all areas within that vacation shall henceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

ARTICLE 11 - AGRICULTURAL DISTRICT (A)

11.0 Statement of Purpose

The following reasons are given in evidence to support the purposes for which this zoning district is intended to accomplish:

- 1) Land containing agricultural value should be preserved because it is a vital resource.
- 2) Land with agricultural value justifies design requirements which attempt to support a town-country spatial relationship.
- 3) Agricultural zoning permits the timing of land allotments to urban purposes in keeping with a theory of maximizing supporting public utilities so as to achieve the greatest of service for each dollar of capital expenditure.
- 4) Indiscriminate urbanizing of agricultural lands adversely affects the remaining owners of land pursuing agricultural endeavors by creating urban land values and character.

11.1 Principal Permitted Uses

The following uses are principal permitted uses in the Agricultural District:

- 1) Agriculture;
- 2) Publicly owned and operated libraries, parks and recreation facilities
- 3) Single family residential dwellings - farm-related or non-farm related;
- 4) Accessory uses and structures incidental to the above permitted uses, including but not limited to the following:
 - a) Roadside stands for the sale of agricultural products where fifty (50) percent or more of the gross income produced by the stand is derived from produce grown on farms owned or operated by the farm operator, subject to the following:
 - i) Any structure used to display such goods shall be less than two hundred and fifty (250) square feet in size and be located at least fifty (50) feet from any side or rear property line.
 - ii) The structure shall be setback at least forty (40) feet from the street right-of-way.

- iii) Off-street parking shall be provided for all employees and customers.
 - iv) Any signs used shall be attached to the roadside stand structure and shall not exceed five (5) square feet in total area.
- 5) Farms;
- 6) Nurseries, Lawn and Garden Centers;
- 7) Veterinary Clinics or Hospitals;
- 8) Public stables and riding academies of at least ten (10) acres in size;
- 9) Temporary buildings for use incidental to construction work for a period not to exceed one year, subject to renewal;
- 10) Type "B" Family Day Care Home;
- 11) Home Offices and Home Occupations, subject to the following:
 - a) No person other than members of a family residing on the premises shall be engaged in such occupation.
 - b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25%) of the residential floor area of the dwelling unit shall be used in conducting the home occupation.
 - c) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated.
 - d) Home offices will only be accessory offices for members practicing any of the professions, including accountant, architect, artist, engineer, lawyer and physician.
 - e) If the home is in any residential zoning district, no traffic shall be generated by such home occupation or home office in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
 - f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence.

11.2 Conditionally Permitted Uses

The following uses may be permitted subject to the granting of a conditional use permit within the provisions of Article 9 of this Resolution:

- 1) The commercial raising of fur-bearing animals, including mink, chinchillas, rabbits, foxes, guinea pigs and similar animals, subject to the following:
 - a) All such operations shall be located on a continuous parcel of forty (40) acres or more in area.
 - b) All outdoor runs or breeding areas shall be set back from the front property line a minimum of one hundred (100) feet and the rear property line a minimum of one hundred (100) feet.
- 2) The commercial raising of domestic or laboratory animals, such as cats, dogs, mice, rats or other similar animals, subject to the following:
 - a) All such operations shall be located on a parcel of property not less than ten (10) acres in area.
 - b) All outdoor runs or breeding areas shall be enclosed on all sides by a wall or fence.
- 3) Cemeteries of at least twenty (20) acres in size, subject to the following:
 - a) The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
 - b) Any new cemetery shall be located on a site containing not less than twenty (20) acres.
 - c) All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within one hundred (100) feet of any property line.
 - d) All graves or burial lots shall be set back not less than fifty (50) feet from any property line.
- 4) Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to the following:
 - a) The area shall be sufficient to meet the Federal Aviation Administration

requirements for the class of airport proposed.

- b) There is no existing flight obstruction such as towers, chimneys, or other tall structures, or which would fall within the approach zone to any of the proposed airport runways or landing strips.
 - c) There is sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Administration, or any other appropriate authority. In cases where air rights or easements have been acquired from the owners of abutting properties, in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
 - d) Any building, hangars or other structures shall be at least one hundred (100) feet from any street or lot line.
 - e) Adequate space for off-street parking for at least fifty (50) vehicles will be required, the Board may increase this requirement.
 - f) The application for authorization of an airport shall be accompanied by a plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of owners of abutting properties; proposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings and other structures and facilities; the location and height of all buildings, structures, trees and overhead wires falling within the airport approach zone and less than five hundred (500) feet distance from the boundary lines of the airport, other pertinent data such as topography and grading plan, drainage, water and sewage, etc.
 - g) The plans of the proposed airport shall be reviewed by the Regional Planning Commission. It shall make a recommendation to the Board of Zoning Appeals which shall include the compatibility of the proposed airport with the master plan for the township and the potential detrimental effects upon the surrounding properties and proposals to eliminate or reduce them.
- 5) Golf courses and golf driving ranges, subject to the following conditions:
- a) All buildings and structures shall be at least thirty (30) feet from all property lines.
 - b) A minimum of two (2) off-street parking spaces shall be provided for each

driving tee and putting green. Additional spaces shall be furnished for other uses in conjunction with the range.

- c) All drives and parking areas shall be surfaced with a hard, durable material and properly drained.
 - d) All lights shall be directed away from site boundary lines.
 - e) Fences, plantings or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land.
 - f) All driving directions shall be away from any street or highway.
- 6) Private parks, country clubs, and gun clubs
- 7) Type "A" Family Day Care Home,
- a) Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design of which shall be approved by the Board of Zoning Appeals.
 - b) The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce the impact on the residential character of the neighborhood. The outgoing vehicles during high volume periods shall provide a safe drop-off point for children that will not impede other traffic.
 - c) One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.
- 8) Churches, subject to the following:
- a) The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
 - b) The church building and parking shall be set back from any adjacent residential property line a minimum of fifty (50) feet.
 - c) Parking should not be permitted within fifty (50) feet of any side or rear property line where feasible.

- d) A cemetery shall not be a permitted use in conjunction with the church.
- 9) Public, parochial or other private elementary, intermediate schools and/or high schools offering courses in general education on sites of not less than ten (10) acres, subject to the following:
- a) No school shall be located nearer than one hundred (100) feet to any adjacent residentially-zoned property.
 - b) Every school property shall be surrounded by a minimum of five (5) foot high chain link fencing along the side and rear property lines.
- 10) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education, subject to the following conditions:
- a) Any use permitted herein shall be developed only on sites of at least forty (40) acres in area and shall not be permitted on any portion of a recorded subdivision plat.
 - b) No building or other use of land except landscaped passive areas shall be situated within one hundred (100) feet of any private residence not included as part of this site.
- 11) Bed and Breakfast Homestays or Tourist Homes, subject to the following:
- a) A bed and breakfast homestay or tourist home is a private owner-occupied residence with one to three (3) guest rooms. The bed and breakfast homestay must be subordinate and incidental to the main residential use of the dwelling.
 - b) No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.
 - c) One off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
 - d) All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines.
 - e) One sign shall be permitted not exceeding two (2) square feet in area and three and one half (3 ½) above ground.

f) Length of stay for guests shall not exceed fourteen (14) days.

- 12) Recreational Facilities
- 13) Horse Racing Track
- 14) Shooting Range
- 15) Grain Elevators & Feed Mills

11.3 Development Standards

Minimum Lot Area.....	5 acres
Minimum Lot Frontage.....	300 feet
Minimum Front Yard Setback.....	60 feet or as noted in Section 25.20
Minimum Side Yard Setback.....	25 feet
Minimum Rear Yard Setback.....	50 feet
Minimum Dwelling Floor Area.....	1,200 square feet
Minimum Setback for Corner Lots from Side Street.....	Half the required front yard setback
Minimum Setback on Cul-de-sacs.....	Refer to Section 25.16

11.4 Required Parking

As specified in Article 27.

11.5 Signs

As specified in Article 28.

11.6 Accessory Structures

- 1) Where the accessory structure is attached to a main building, it shall be subject to and must conform to all regulations of this Resolution applicable to the main building.
- 2) Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
- 3) A detached private garage, or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a) When such accessory structure is located in the rear yard, a minimum side and rear yard of three (3) feet shall be maintained, unless the structure is

1,500 square feet or greater, then the minimum side yard and rear yard shall be twenty (20) feet.

- b) In no case shall an accessory structure be located closer than twenty (20) feet to any street line or alley.
- 4) An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
- 5) No accessory structure shall be used for human habitation.
- 6) No accessory structure shall be used for commercial or industrial purposes.
- 7) Accessory structures shall not cover more than thirty-five percent (35%) of the required rear yard.
- 8) Accessory structures must be subordinate in floor area to the principal use.
- 9) The maximum height of any accessory structure shall be twenty (20) feet.
- 10) Private swimming pools, refer to Section 26.3.

ARTICLE 12 - RURAL RESIDENTIAL (RR)

12.0 Purpose

The primary purpose of this district is to ensure harmony among new non-farm dwellings with rural surroundings. As the number of non-farm residents in an area grows, the more difficult it is to engage in typical farm practices, and it becomes more arduous to protect the rural character associated with these areas. Therefore, the following reasons are given to support the purpose for which this zoning district is intended to accomplish:

- 1) This district shall permit a degree of non-farm housing without unduly contributing to uncontrolled residential expansion into rural areas.
- 2) The RR District will lessen the impacts of non-farm residences on the rural environment by reducing the possible mixture of farm and non-farm dwellings.
- 3) Because of the loss of prime agricultural land, non-farm development shall not advance upon such land.

12.1 Principal Permitted Uses

In the RR District, no person shall hereafter use any land, building or structure and no person shall erect any building or structure except in accordance with the following provisions:

- 1) Single-family dwellings;
- 2) Publicly owned and operated libraries, parks and recreation facilities;
- 3) Type B and Family Day Care Homes;
- 4) Agriculture;
- 5) Accessory uses customarily incidental to the above permitted uses;
 - 6) Agricultural uses including the raising of horses or other livestock animals are prohibited on lots on one (1) acre or less.
 - a. On lots of five (5) acres or less, but greater than one (1) acre, the raising of horses or other livestock are limited as follows:
 - i. Only one (1) of the following may be raised or kept on lots of at least one (1) acre and not in a platted subdivision: horse, goat, sheep, or swine.
 - ii. Chicken or fowl shall not be kept on lots of less than one (1) acre and not in a platted subdivision. They shall be caged in such a way that neighbors are not disturbed. The total number of such animals shall not exceed more than five (5) on a lots smaller than 5 acres;
 - iii. Colonies of bees shall not be located on lots of less than one (1) acre or within a platted subdivision.

- iv. The keeping of fur bearing animals such as mink, chinchillas, rabbits, fox, and the like, shall not be permitted for commercial purposes and not in a platted subdivision.
- v. All animals and fowl shall be housed and fenced or caged so they cannot run-at-large. All food supplies shall be kept in rodent-proof containers.
- vi. All health and sanitation requirements of the State of Ohio and Erie County shall be followed.

12.2 Conditionally Permitted Uses

The following uses may be permitted by the Township Board of Zoning Appeals and pursuant to Article 9:

- 1) Cemeteries and other facilities incidental thereto, subject to the following conditions:
 - a) The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
 - b) Any new cemetery shall be located on a site containing not less than twenty (20) acres.
 - c) All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within one hundred (100) feet of any property line.
 - d) All graves or burial lots shall be set back not less than fifty (50) feet from any property line.

- 2) Nursery schools, day care nurseries, and child care centers, subject to the following conditions:
 - a) For each child cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.
 - b) Said use shall not be permitted in the interior of any residential block and shall have minimum side and rear yards of one hundred (100) feet.

- 3) Churches and other facilities normally incidental thereto, subject to the following conditions:

- a) The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
 - b) The church building and parking shall be set back from any adjacent residential property line a minimum of fifty (50) feet.
 - c) Parking should not be permitted within fifty (50) feet of any side or rear property line where feasible.
 - d) A cemetery shall not be a permitted use in conjunction with a church.
- 4) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, but not commercial trade schools, subject to the following conditions:
- a) No school shall be located nearer than one hundred (100) feet to any adjacently zoned single-family residential property.
 - b) Every school property shall be surrounded by a fence of a minimum height of five (5) feet on the side and rear lot lines.
- 5) Private recreational areas and institutional or community recreation centers.
- 6) Golf courses and driving ranges, subject to the following conditions:
- a) All buildings and structures shall be at least thirty (30) feet from all property lines.
 - b) A minimum of two (2) off-street parking spaces shall be provided for each driving tee and putting green in conjunction with the range.
 - c) All drives and parking areas shall be surfaced with a hard, durable material and properly drained.
 - d) All lights shall be directed away from site boundary lines.
 - e) Fences, plantings or sufficient area shall be provided to ensure the safety and protection of persons on all adjacent land.
 - f) All driving directions shall be away from any street or highway.
- 7) Type A Family Day Care Home, subject to the following conditions:
- a) Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design of which shall be approved by the Board of Zoning Appeals.
 - b) The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety and reduce the impact on the residential character of the

neighborhood. The outgoing vehicles during high volume periods shall provide a safe drop-off point for children that will not impede other traffic.

- c) One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.
- 8) Bed and breakfast Homestays, subject to the following conditions:
- a) A bed and breakfast homestay may have between one and three guest rooms and be a private owner-occupied residence. The bed and breakfast homestay must be subordinate and incidental to the main residential use of the building.
 - b) No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.
 - c) All floors above grade shall have direct means of escape to ground level.
 - d) One off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
 - e) All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines.
 - f) One sign shall be permitted not exceeding two (2) square feet in area and three and one half (3½) feet above ground.
 - g) Length of stay shall not exceed fourteen (14) days.
- 9) Home occupations and home offices, subject to the following conditions:
- a) No person other than members of a family residing on the premises shall be engaged in such occupation or home office.
 - b) The use of the dwelling unit for home occupations and home offices shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25%) of the residential floor area of the dwelling unit shall be used in the conducting of the home occupation or home office.
 - c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation or home office other than one sign, not exceeding two (2) square feet in area, non-illuminated.
 - d) Home offices will only be accessory offices for family members of the resident family practicing any of the professions, including accountant, architect, artist, engineer, lawyer and physician.
 - e) If the home is in any residential zoning district, no traffic shall be generated by such home occupation or home office in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation or

home office shall be met off the street and other than in a required front yard.

- f) No equipment or process shall be used in such home occupation or home office which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation or office is conducted in a single-family residence.

12.3 Development Standards

Minimum Lot Area.....	1 acres
Minimum Lot Frontage.....	150 feet
Minimum Front Yard Setback.....	50 feet or as noted in Section 25.20
Minimum Side Yard Setback.....	25 feet
Minimum Rear Yard Setback.....	50 feet
Minimum Dwelling Floor Area.....	1,200 square feet
Maximum Height.....	35 feet
Minimum Setback for Corner Lots from Side Street.....	Half the required front yard setback
Minimum Setback on Cul-de-sacs.....	Refer to Section 25.16

12.4 Required Parking

As specified in Article 27.

12.5 Signs

As specified in Article 28.

12.6 Accessory Structures

- 1) Where the accessory structure is attached to the main building, it shall be subject to and must conform to all regulations of this Resolution applicable to the main building.
- 2) Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
- 3) A detached private garage, or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a) When such accessory structure is located in the rear yard, a minimum side and rear yard of three (3) feet shall be maintained, unless the structure is one thousand five hundred (1,500) square feet or greater, then the minimum side and rear yard setback shall be twenty (20) feet.
 - b) In no case shall an accessory structure be located closer than twenty (20)

feet to any street line or alley.

- 4) An accessory building shall be a minimum distance of ten (10) feet from any main building.
- 5) No accessory structure shall be used for human habitation.
- 6) No accessory structure shall be used for commercial or industrial purposes.
- 7) Accessory structures shall not cover more than thirty-five percent (35%) of the required rear yard.
- 8) In residential districts no more than two (2) accessory buildings can be erected on a lot. One of which can have an area equal to or less than the main floor of the primary residence. The second building can not exceed 196 square feet in area. Accessory structures must be subordinate to the principal use.
- 9) The maximum height of any accessory structure shall be twenty (20) feet.
- 10) Private swimming pools, refer to Section 26.3.

ARTICLE 13 - SINGLE-FAMILY SERVICED RESIDENTIAL (R-1) (R-1A) (R-1B)

13.0 Purpose

The purpose of this Districts is to provide a single family residential development in areas served by public water and community sewage disposal facilities. The District offers reduced area requirements in serviced areas.

13.1 Principal Permitted Uses

In the R-1 District, no person shall hereafter use any land, building or structure and no person shall erect any building or structure except in accordance with the following provisions:

- 1) Single-family dwellings;
 - 2) Publicly owned and operated schools, libraries, parks, parkways, and recreation facilities;
 - 3) Type B Family Day Care Home;
 - 4) Accessory uses customarily incidental to the above permitted uses;
 - 5) Agricultural uses including the raising of horses or other livestock animals are prohibited on lots on one (1) acre or less.
- b. On lots of five (5) acres or less, but greater than one (1) acre, the raising of horses or other livestock are limited as follows:
- i. Only one (1) of the following may be raised or kept on lots of at least one (1) acre and not in a platted subdivision: horse, goat, sheep, or swine.
 - ii. Chicken or fowl shall not be kept on lots of less than one (1) acre and not in a platted subdivision. They shall be caged in such a way that neighbors are not disturbed. The total number of such animals shall not exceed more than five (5) on a lots smaller than 5 acres;
 - iii. Colonies of bees shall not be located on lots of less than one (1) acre or within a platted subdivision.
 - iv. The keeping of fur bearing animals such as mink, chinchillas, rabbits, fox, and the like, shall not be permitted for commercial purposes and not in a platted subdivision.
 - v. All animals and fowl shall be housed and fenced or caged so they cannot run-at-large. All food supplies shall be kept in rodent-proof containers.

- vi. All health and sanitation requirements of the State of Ohio and Erie County shall be followed.

13.2 Conditionally Permitted Uses

- 1) Home Occupations or Home Offices, subject to the following conditions:
 - a) No person other than members of a family residing on the premises shall be engaged in such occupation.
 - b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25%) of the residential floor area of the dwelling unit shall be used in conducting the home occupation.
 - c) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated.
 - d) Home offices will only be accessory offices for members practicing any of the professions, including accountant, architect, artist, engineer, lawyer and physician.
 - e) If the home is in any residential zoning district, no traffic shall be generated by such home occupation or home office in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
 - f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence.

3.3 Development Standards

Development Standard	R-1	R-1A	R-1B
Minimum Lot Area Without Sewer and Water	20,000 sq. ft.	11,250 sq. ft.	9,000 sq. ft.
Minimum Lot Area With Sewer and Water	16,000 sq. ft.	11,250 sq.ft.	9,000 sq. ft.
Minimum Lot Frontage	100 ft. 80 ft. (with sewer & water)	75 ft.	60 ft.
Minimum Front Yard Setback (or as noted in section 25.19)	60 ft.	35 ft.	35 ft.
Minimum Side Yard Setback	10 ft. one side	5 ft. one side	4 ft. one side
Minimum Total Side yard Width	25 ft. total	20 ft. total	12 ft. total
Minimum Rear Yard Setback	50 ft.	40 ft.	40 ft.
Minimum Floor Area	1,200 sq. ft.	1,000 sq. ft.	1,000 sq. ft.
Minimum Setback for Corner Lots	Half the required front yard setback		
Maximum Building Height	35 ft.	35 ft.	35 ft.
Setback on Cul-de-sac	Refer to section 25.16		

13.4 Required Parking

As specified in Article 27.

13.5 Signs

As specified in Article 28.

13.6 Accessory Structures

- 1) No accessory structure shall exceed the square footage of the first floor of the main dwelling.
- 2) Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
- 3) A detached private garage, or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a) When such accessory structure is located in the rear yard, a minimum side and rear yard of three feet shall be maintained, unless the structure is 1,500 square feet or greater, then the minimum side yard and rear yard shall be twenty (20) feet.
 - b) In no case shall an accessory structure be located closer than twenty (20) feet to any street line or alley.
- 4) An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
- 5) No accessory structure shall be used for human habitation.
- 6) No accessory structure shall be used for commercial or industrial purposes.
- 7) Accessory structures shall not cover more than thirty-five (35) percent of the required rear yard.
- 8) Accessory structures must be subordinate in area to the principal use.
- 9) The maximum height of any accessory structure shall be twenty (20) feet.
- 10) In residential districts no more than two (2) accessory buildings can be erected on a lot. One of which can have an area equal to or less than the main floor of the primary residence. The second cannot exceed 196 square feet in area. Accessory structures must be subordinate to the principal use.
- 11) Private swimming pools, refer to Section 26.3

ARTICLE 14 - TWO FAMILY RESIDENTIAL DISTRICT (R-2)

14.0 Purpose

The R-2 District is designed to provide for a one-and-two family residential environment on relatively small lots with supporting ancillary uses in areas of the Township which contain public water and sanitary sewer systems.

14.1 Principal Permitted Uses

The following provisions apply in all R-2 Districts. In an R-2 District no person shall hereafter use any building or structure except in accordance with the following provisions:

- 1) All uses principally permitted in R-1, R-1A, R-1B Districts unless otherwise provided;
- 2) Two-family dwellings;
- 3) Publicly owned and operated libraries, parks and recreation facilities;
- 4) Type B Family Day Care Home;
- 5) Accessory uses customarily incidental to the above permitted uses.
- 6) Agricultural uses including the raising of horses or other livestock animals are prohibited on lots on one (1) acre or less.
 - i. On lots of five (5) acres or less, but greater than one (1) acre, the raising of horses or other livestock are limited as follows:
 - ii. Only one (1) of the following may be raised or kept on lots of at least one (1) acre and not in a platted subdivision: horse, goat, sheep, or swine.
 - iii. Chicken or fowl shall not be kept on lots of less than one (1) acre and not in a platted subdivision. They shall be caged in such a way that neighbors are not disturbed. The total number of such animals shall not exceed more than five (5) on a lots smaller than 5 acres;
 - iv. Colonies of bees shall not be located on lots of less than one (1) acre or within a platted subdivision.
 - v. The keeping of fur bearing animals such as mink, chinchillas, rabbits, fox, and the like, shall not be permitted for commercial purposes and not in a platted subdivision.
 - vi. All animals and fowl shall be housed and fenced or caged so they cannot run-at-large. All food supplies shall be kept in rodent-proof containers.

- vii. All health and sanitation requirements of the State of Ohio and Erie County shall be followed.

14.2 Conditionally Permitted Uses

- 1) Home Occupations or Home Offices, subject to the following conditions:
 - a) No person other than members of a family residing on the premises shall be engaged in such occupation.
 - b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25%) of the residential floor area of the dwelling unit shall be used in conducting the home occupation.
 - c) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated.
 - d) Home offices will only be accessory offices for members practicing any of the professions, including accountant, architect, artist, engineer, lawyer and physician.
 - e) If the home is in any residential zoning district, no traffic shall be generated by such home occupation or home office in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
 - f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence.

14.3 Development Standards

Minimum Lot Area.....	14,000 sq. ft.
Minimum Lot Frontage.....	80 feet
Minimum Front Yard Setback.....	35 feet or as noted in Section 25.20
Minimum Side Yard Setback.....	10 feet

Minimum Rear Yard Setback.....	40 feet
Minimum Dwelling Floor Area.....	900 square feet
Minimum Building Height.....	35 feet
Minimum Setback for Corner Lots from Side Street.....	Half the required front yard setback
Minimum Setback on Cul-de-sacs.....	Refer to Section 25.16

14.4 Required Parking

As specified in Article 27.

14.5 Signs

As specified in Article 28.

14.6 Accessory Structures

- 1) Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
- 2) A detached private garage, or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a) When such accessory structure is located in the rear yard, a minimum side and rear yard of three feet shall be maintained, unless the structure is 1,500 square feet or greater, then the minimum side yard and rear yard shall be twenty (20) feet.
 - b) In no case shall an accessory structure be located closer than twenty (20) feet to any street line or alley.
- 3) An accessory building shall be a minimum distance of ten (10) feet from any main building.
- 4) No accessory structure shall be used for human habitation.
- 5) No accessory structure shall be used for commercial or industrial purposes.
- 6) Accessory structures shall not cover more than thirty-five (35) percent of the required rear yard.
- 7) Accessory structures must be subordinate in area to the principal use.
- 8) The maximum height of any accessory structure shall be twenty (20) feet.
- 9) Private swimming pools, refer to Section 26.3

ARTICLE 15 - MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)

15.0 Statement of Purpose

The R-3 District is designed to provide for a multiple housing environment with townhouses and apartments constituting the principal type dwelling accommodations. The District should be adequately supported with necessary public utilities.

15.1 Principal Permitted Uses

In an R-3 District, no person shall hereafter use any building or structure except in accordance with the following provisions:

- 1) Multiple-family dwelling units, including apartments, townhouses and row houses;
- 2) Hospitals provided the following conditions are met:
 - a) All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
 - b) The proposed site shall have at least one property line abutting a Regional, Major or Secondary Thoroughfare as shown in the Perkins Township Comprehensive Plan. All ingress and egress to the off-street parking area for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a said thoroughfare.
 - c) In the event one or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distance between any hospital structure or accessory use in the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be setback from the initial one hundred (100) foot setback an additional one foot for each foot of additional height above two (2) stories.
 - d) The minimum distance from any street right-of-way line shall not be less than forty (40) feet.
 - e) The minimum distance from any non-residential interior lot line shall not be less than twenty-five (25) feet.
 - f) Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height and said wall shall be further subject to the requirements of Chapter 19, "General Provisions".
- 3) Housing for the elderly shall be on a site of more than five (5) acres in area and

may provide for the following:

- a) Cottage-type dwellings and/or apartment type dwelling units.
 - b) Common services containing, but not limited to, central dining rooms, recreational rooms, central lounges and workshops.
 - c) All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
 - d) Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed thirty-five (35) percent of the total site exclusive of any dedicated public right-of-way.
- 4) Convalescent and/or nursing homes, not to exceed a height of two (2) stories, when the following conditions are met:
- a) The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each bed in the convalescent home, there shall be provided not less than fifteen hundred (1,500) sq. ft. of open space. The fifteen hundred (1,500) square feet of land per bed shall provide for landscaping, off-street parking, service drives, loading space, yard requirements and space required for accessory uses.
 - b) No building shall be closer than forty (40) feet from any property line.
- 5) Boarding house (rooming house), when the following conditions are met:
- a) No more than one person shall occupy each sleeping room of not less than one hundred (100) square feet.
 - b) Fire escapes shall be provided as approved by the Zoning Board of Appeals.
 - c) Fire exit instructions shall be posted in each sleeping room.
 - d) All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate fire department official shall accompany the application.

Accessory structures and uses customarily incidental to any of the above uses.

- 7) Agricultural uses including the raising of horses or other livestock animals are prohibited on lots on one (1) acre or less.

- i. On lots of five (5) acres or less, but greater than one (1) acre, the raising of horses or other livestock are limited as follows:
- ii. Only one (1) of the following may be raised or kept on lots of at least one (1) acre and not in a platted subdivision: horse, goat, sheep, or swine.
- iii. Chicken or fowl shall not be kept on lots of less than one (1) acre and not in a platted subdivision. They shall be caged in such a way that neighbors are not disturbed. The total number of such animals shall not exceed more than five (5) on a lots smaller than 5 acres;
- iv. Colonies of bees shall not be located on lots of less than one (1) acre or within a platted subdivision.
- v. The keeping of fur bearing animals such as mink, chinchillas, rabbits, fox, and the like, shall not be permitted for commercial purposes and not in a platted subdivision.
- vi. All animals and fowl shall be housed and fenced or caged so they cannot run-at-large. All food supplies shall be kept in rodent-proof containers.
- vii. All health and sanitation requirements of the State of Ohio and Erie County shall be followed.

15.2 Site and Design Plan Review

For all uses permitted in the R-3 District, a site plan shall be submitted to and approved by the Township Zoning Inspector. The site plan shall be in accordance with the provisions of Article 25.14, Article 25.15
Amended 5/12/16 Resolution #2016-076

15.3 Screening

Screening or buffering in compliance with the provisions of Article 25, Section 25.13 is required.

15.4 Lot, Yard, Area and Building Requirements

Minimum Lot Area.....	1 acre
Minimum Lot Frontage.....	150 feet
Minimum Front Yard Setback.....	40 feet or as noted in Section 25.20
Minimum Side Yard Setback.....	15 feet
Minimum Rear Yard Setback.....	40 feet
Maximum Net Density.....	3 units per acre
Maximum Height.....	40 feet

15.5 Required Parking

As specified in Article 27.

15.6 Signs

As specified in Article 28.

15.7 Accessory Structures

- 1) Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the front yard.

- 2) A detached private garage or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a) When such accessory structure is located in the rear yard a minimum side and rear yard of three (3) feet shall be maintained.

 - b) In no case shall an accessory structure be located closer than twenty (20) feet to any street line.

 - c) An accessory structure shall be a minimum distance of ten (10) feet from any main building.

 - d) No accessory structure shall be used for commercial or industrial purposes.

 - e) Private swimming pools, refer to Section 26.3.

15.8 Development Standards for Multi-Family Dwellings

- 1) Purpose and Intent

The special provisions set forth herein are intended to provide design criteria for multi-family dwellings. It is the express purpose of these provisions to establish design criteria and to provide for implementation of these provisions by the Township Zoning Inspector review of the site Plan.

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It is the intent that multi-family dwellings, where they are permitted, shall constitute groupings making efficient economical, comfortable and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

- 2) Detailed Design Criteria

- a) Each dwelling unit should be provided with reasonable visual and acoustical privacy. Fences, walks and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
- b) Walks should be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.
- c) The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.
- d) Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- e) Adequate recreation facilities for the residents of the project should be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f) Attractive outdoor sitting areas should be provided, appropriate in size, type and number to the needs of the residents.
- g) Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- h) All public streets located within any multi-family development shall meet the construction specifications set forth in the subdivision regulations.
- i) The Township Zoning Inspector shall act to ensure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.
Amended 5/12/16 Resolution #2016-076
- j) All dwelling units shall be so positioned as to ensure the availability of adequate fire protection. The fire department shall adjudge the adequacy of protection.

ARTICLE 16 - LOCAL COMMERCIAL DISTRICT (C-1)

16.0 Statement of Purpose

The C-1 District is intended for retail business and service uses which are needed to serve the nearby residential area. The intent of this District is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations.

16.1 Principal Permitted Uses

- 1) Shops for the sale of baked goods, beverages, including liquor outlets (not be consumed on the premises), books, confections, drugs, flowers, foodstuffs including meats, gifts, hardware, hobby equipment, jewelry, notions, paint, periodicals, sundry, small household articles and tobacco except shopping centers shall comply with provisions in Section 16.3(1).
- 2) Personal service establishments performing services on the premises, such as barber and beauty shops, watch and shoe repair, tailor shops, locksmith and similar establishments.
- 3) Laundry or dry cleaning customer outlets, coin-operated laundromat and self-serve dry cleaning center. Dry cleaning or laundry plants serving more than one customer service outlet shall be prohibited.
- 4) Accessory buildings and uses customarily incidental to the above Principal Permitted Uses. Accessory structures may be erected and used in the interior side or rear yards. Accessory structures may not be used for human habitation.

16.2 Required Conditions

- 1) All business establishments shall deal directly with consumers. All goods produced on the premises shall be sold at retail on the premises where they are produced.
- 2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

16.3 Conditionally Permitted Uses

The following uses may be permitted by the Township Board of Zoning Appeals:

- 1) Planned shopping center when used in this context means a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria: a site of three (3) to five (5) acres; six (6) to fifteen (15) stores; and a floor area of 10,000 to 50,000 square feet; and which further

satisfies the following development standards:

- a) A planting strip at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall not less than five (5) feet high may be required along those property lines which abut a residential district.
 - b) No main or accessory building shall be situated less than fifty (50) feet from any perimeter property line.
 - c) A landscaping plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 - d) All signs shall be affixed to the face of the building and shall be of a uniform design throughout, except for one ground or pole sign advertising the name of the shopping center.
 - e) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - f) Internal landscaping shall be provided in parking lots containing twenty-five (25) spaces or more.
 - g) The maximum grade of off-street parking spaces shall be three percent (3%).
 - h) A site plan must be submitted subject to provisions of Article 25, Section 25.19.
- 2) Nursery schools, day nurseries, and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district. Said use shall not be permitted in the interior of any residential block and shall have minimum side and rear yards of one hundred (100) feet.
- 3) Residential use in conjunction with commercial use provided the following conditions are met:
- a) One dwelling unit may be permitted in conjunction with a commercial use.
 - b) The permitted dwelling unit may only be occupied by the owner/operator

of the commercial use.

- c) Off-street parking must be provided for the dwelling unit in accordance with Section 27.8 of this Code.
 - d) The dwelling unit must be a minimum of 450 square feet in floor area.
 - e) The dwelling unit, if attached to the commercial use, must meet the same setback requirements as the commercial use. If detached, the dwelling unit must meet the same setback requirements as single-family dwellings in the "R-1B" District.
- 4) Car washes. Any automatic or manually operated facility used to accommodate the laundering of automobiles and construed to be of a commercial operation managed to produce a profit and which further satisfies the following development standards:
- a) Public sewers and water facilities shall be utilized.
 - b) For drive-through car washes, an escape lane shall be provided as an alternate exit route. Each washing bay shall be provided a stacking lane, as determined by the Board of Zoning Appeals.
 - c) All structures housing washing apparatuses shall be setback fifty (50) feet from any rear property line and twenty (20) feet from any side lot lines; provided, however, that in the event that the lot fronts on two (2) street right-of-way lines, then the setback requirements on the one street frontage shall be fifty (50) feet and the setback on the other street frontage shall be fifty (50) feet.

16.4 Site and Landscape Plan Review

For all uses permitted in the C-1 District, a site plan shall be submitted to the Township Zoning Inspector for their review and recommendations. The Township Zoning Inspector in their review of the site plan shall have regard to the provisions of this Resolution. The Township Zoning Inspector may require certain modifications in terms of the location of buildings, parking and driveways and may require screening/landscaping techniques to ameliorate potential nuisance problems with adjoining districts or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with the provisions of Article 25.14, Article 25.15

Amended 5/12/16 Resolution #2016-076

16.5 Screening/Buffering

To assist in the prevention of the transmission of light and noise from within any commercial district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district, without an intervening alley or other public way. Such screening shall be provided within the commercial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be of opaque or translucent materials resistant to deterioration by natural causes, or it shall be of such plant materials as will provide a year-round evergreen screening. Screening as provided herein, shall not be less than six (6) feet in height, shall be provided from the grade of the property upward and shall be permanently maintained. A minimum of a ten (10) foot high buffer shall be provided adjacent to a Residential District. See Section 25.13

16.6 Development Standards

Minimum Lot Area.....	1 acre
Minimum Lot Frontage.....	60 feet
Minimum Front Yard Setback.....	50 feet or as noted in Section 25.20
Minimum Side Yard Setback.....	30 feet
Minimum Rear Yard Setback.....	40 feet
Minimum Setback for Corner Lots from Side Street.....	Half the required front yard setback
Maximum Lot Coverage.....	40 percent (40%)

16.7 Required Parking

As specified in Article 27.

16.8 Signs

As specified in Article 28.

ARTICLE 17 – GENERAL COMMERCIAL DISTRICT (C-2)

17.0 Statement of Purpose

The C-2 District is designed to accommodate types of businesses, including but not limited to, those uses intended to serve passing motorists, those uses requiring large sites and major shopping centers. The C-2 District uses are typified by having a majority of the following characteristics:

- 1) They are large space users.
- 2) Their customers do not make frequent purchases.
- 3) They combine retail, wholesale, service and repair in various ways.
- 4) Their market is regional as contrasted to local.
- 5) Their market area is partially dependent upon extending services to other business uses and not necessarily household oriented.

17.1 Principal Permitted Uses

In a C-2 District, no person shall hereafter use any building, structure, or land and no person shall erect any building or structure except in accordance with the following provisions:

- 1) All principal uses permitted in the C-1 District except that shopping centers shall be subject to the regulations of Article 17.
- 2) Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that require a retail adjunct.
- 3) All retail business establishments conducted within a completely enclosed building except those listed separately as conditional uses in this District. The Perkins Township Board of Appeals must approve all outside display of goods and merchandise.
- 4) Wholesale business establishments and wholesale distribution centers conducted within a completely enclosed building. The Perkins Township Board of Zoning Appeals must approve all outside storage of goods and merchandize.
- 5) Dormitories, fraternities, clubs, lodges, social or recreational buildings.
- 6) Sales establishments, such as for real estate and insurance conducted within a completely enclosed building, except those listed separately as conditional uses in this District.

- 7) Repair shops conducted within a completely enclosed building except those listed separately as conditional uses in this District.
- 8) Public buildings and uses.
- 9) Business schools and colleges or private trade schools operated for profit.
- 10) Commercial or technical schools or training centers.
- 11) Offices.
- 12) Restaurants or other places serving food and beverages.
- 13) Data processing centers.
- 14) Banks.
- 15) Research and development facilities.
- 16) Merchandise service shops.
- 17) Specialized commercial uses including plumbing, electrical and building supply shops.
- 18) Theaters, assembly halls, concert halls, or similar places of assembly, conducted completely within an enclosed building.
- 19) Hotels and motels.
- 20) Medical and dental offices, medical clinics, outpatient services only.
Amended 12/10/15 Resolution #2015-220
- 21) Adult daycare center with no overnight stays.
Amended 12/10/15 Resolution #2015-220
- 22) Accessory structures and uses customarily incidental to the above permitted uses. Accessory structures may be erected and used in the interior side or rear yards. Accessory structures may not be used for human habitation.
Amended 12/10/15 Resolution #2015-220

17.2 Conditionally Permitted Uses

The following uses shall be permitted by the Township Board of Zoning Appeals

pursuant to Article 9, subject to the conditions imposed herein, and subject further to the procedure where applicable indicated in Article 9:

- 1) Automobile service stations.
 - a) The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the street immediately adjacent thereto. Entrances shall be no less than fifty (50) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b) The minimum lot area shall be twenty thousand (20,000) square feet, with minimum lot sides of one hundred fifty (150) feet each, and so arranged that ample space is available for motor vehicles which are required to wait for services.
 - c) Automobile service stations shall not be located within five hundred (500) feet of any school.
 - d) All lighting shall be shielded from adjacent residential districts.
- 2) Car washes. Any automatic or manually operated facility used to accommodate the laundering of automobiles and construed to be of a commercial operation managed to produce a profit. Standards that apply to car washes are as follows:
 - a) Public sewers and water facilities shall be utilized.
 - b) For drive-through car washes, an escape lane shall be provided as an alternate exit route. Each washing bay shall be provided a stacking lane, as determined by the Board of Zoning Appeals.
 - c) All structures housing washing apparatuses shall be setback fifty (50) feet from any rear property line and twenty (20) feet from any side lot lines; provided, however, that in the event that the lot fronts on two (2) street right-of-way lines, then the setback requirements on the one street frontage shall be fifty (50) feet and the setback on the other street frontage shall be fifty (50) feet.
- 3) Recreation vehicle sales and service, including boats, snowmobiles, travel trailers, campers, tents and accessory equipment peculiar to the above; motor vehicle sales and service; and farm implement sales and service, subject to the following conditions:

- a) All repairs shall be conducted within a totally enclosed building.
 - b) Outdoor areas used for display shall be provided with a permanent, durable and dust-less surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - c) Points of ingress and egress to the lot shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
 - d) All lighting shall be shielded from adjacent residential districts.
- 4) Any business of a drive-in/thru nature or so called open front store or open air business, subject to the following conditions:
- a) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 - b) Ingress and egress points shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
 - c) All lighting shall be shielded from adjacent residential districts.
 - d) A completely opaque wall at least six (6) feet high shall be provided when abutting or adjacent to any residential district.
- 5) Open air commercial amusements, including but not limited to miniature golf courses, batting cages, and mini race car or go-cart tracks, subject to the following conditions:
- a) Such uses shall not have an adverse impact on surrounding properties.
 - b) Such uses shall be appropriately screened from adjacent properties with landscaping, a wall or wood privacy fencing so as to reduce potential noise, glare and vehicular and pedestrian traffic congestion.
- 6) Veterinary hospitals or clinics, subject to the following conditions:
- a) All activities must be conducted within a totally enclosed building.
 - b) All abutting property must be non-residentially zoned.
 - c) Sanitation practices shall be adequate to ensure that objectionable odors shall not be noticeable on or off the lot considering various wind

conditions.

- d) No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
 - e) Veterinary hospitals or clinics shall be designed, constructed and maintained so that sound emitted through exterior walls and roofs enclosing areas where animals are treated or kept during treatment shall not exceed 45 decibels. Building plans submitted for a building permit application for veterinary hospitals or clinics shall include a certificate by a registered architect or acoustical engineer that the building will meet these requirements. Existing buildings that are to be used as veterinary hospitals or clinics shall also be certified by a registered architect or acoustical engineer as complying with the requirements.
- 7) Indoor recreational uses such as bowling alleys, billiard halls, indoor archery ranges, or indoor skating rinks, arcades, haunted houses, haunted house theaters, indoor go cart tracks or similar forms of indoor recreation shall be located one hundred (100) feet from any front, rear or side yard of any residential lot in an adjacent residential district, subject to the following conditions:
- a) All activities shall be conducted within a totally enclosed building.
 - b) Points of ingress and egress to the lot shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
 - c) All lighting shall be shielded from adjacent residential districts.
 - d) Screenings and plantings to buffer any adjacent residential areas are required.
 - e) Protection of abutting properties and Township amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapor, dust odors, glare, storm water runoff, hazardous materials, etc.
- 8) Mini-storage buildings, subject to the following conditions:
- a) No lot shall be less than two (2) acres in size.
 - b) The lot shall abut and gain direct access to a local non-residential, collector, or arterial street as specified in the Major Thoroughfare Plan.
 - c) Stormwater management shall be incorporated into the site plan for a

mini-storage building so that storm-water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm-water run-off from at least a 25-year return frequency storm as certified by a professional engineer.

- d) No business activity other than rental of storage units shall be conducted on the premises and no outside storage will be permitted.
- e) All outdoor lighting shall be shielded to direct light and glare only onto the mini-storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaped and focused away from all adjoining property.
- f) Building setbacks shall be as follows:

Front Yard Setback	Not less than 25 feet on which parking and internal drives are prohibited.
Side Yard Setback	Not less than 12.5 feet on which all parking and internal drives are prohibited.
Rear Yard Setback	Not less than 12.5 feet on which all parking and internal drives are prohibited.

- g) The storage facility shall be enclosed by a six (6) foot high, completely opaque fence. Said fence shall be solid or semi-solid and constructed to prevent the passage of debris and light and constructed of either brick, stone, masonry units, wood or similar materials. Chain link fence may be used so long as it has slats installed to prevent the passage of light through the unit. Said fence shall be setback six (6) feet from the side property lines and rear property line. When a rear yard setback is not required, a lesser setback for a fence can be granted. Fences shall also be set back twenty-five (25) feet from the front property line.
- h) Landscaping shall be provided in the areas between the property line and the required fencing. Landscaping shall consist of a variety of hardy evergreen planted material consisting of trees, low-medium-and high-profile shrubs, together with suitable groundcover such as native grasses, bark, ornamental gravel or a combination thereof. The landscaping shall be designed, placed and maintained in such a manner that no wall, fence, sign or other structure or plant growth of a type that would interfere with

traffic visibility shall be permitted or maintained higher than three (3) feet above curb level, within fifteen (15) feet of the intersection of any street right-of-way line or driveway.

- i) Parking shall be provided at a ratio of one space for each two thousand (2,000) square feet of gross building area, plus two (2) spaces for the manager. One additional space shall be provided for each additional employee. Internal drives and parking shall be paved or provided with a hard, dust-less surface satisfactory to the Township.
 - j) Building heights shall be limited to one story (not to exceed fourteen (14) feet at the eaves).
 - k) Signs shall be limited to one ground sign at the entrance to the premises. Not more than thirty-two (32) square feet shall be permitted with a maximum height of ten (10) feet. This provision shall control any and all contrary or conflicting provisions of the sign regulations of Article 31.
 - l) No facility herein provided for shall be used or maintained unless or until an on-site manager shall be provided for such facility. Failure to provide such a manager shall be grounds for revocation of the conditional use permit.
 - m) The sale of any item from or at a mini-storage building is specifically prohibited. It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units.
 - n) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components is prohibited within any structure on a tract of land designated as a residential storage warehouse.
 - o) Any violation of the regulation regarding mini-storage buildings shall be grounds for the revocation of the conditional use permit and shall also be considered to be in violation of this zoning resolution.
- 9) Golf courses and driving ranges, subject to the following conditions:

- a) All buildings and structures shall be at least thirty (30) feet from all property lines.
 - b) A minimum of two (2) off-street parking spaces shall be provided for each driving tee and putting green. Additional spaces shall be furnished for other uses in conjunction with the range.
 - c) All drives and parking areas shall be surfaced with a hard, durable material and properly drained.
 - d) All lights shall be directed away from site boundary lines.
 - e) Fences, plantings or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land.
 - f) All driving directions shall be away from any street or highway.
- 10) Planned shopping centers, subject to the following conditions:
- a) A planned shopping center when used in this context is a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria: a site exceeding ten (10) acres; at least twenty (20) stores and a floor area of at least fifty thousand (50,000) square feet.
 - b) A planting strip of at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall not less than five (5) feet high may be required along those property lines which abut a residential district.
 - c) No main or accessory building shall be situated less than one hundred (100) feet from any residential district boundary except that such buildings may be situated within twenty (20) feet of a non-residential district boundary.
 - d) A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 - e) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - f) Internal landscaping shall be provided in parking lots containing twenty-five (25) spaces or more.

- g) The maximum grade of off-street parking shall be three percent (3%).
 - h) A site plan must be submitted subject to the provisions of 25.13, 25.14, 25.15.
- 11) Residential use in conjunction with commercial use provided the following conditions are met:
- a) One dwelling unit may be permitted in conjunction with a commercial use.
 - b) The permitted dwelling unit may only be occupied by the owner/operator of the commercial use.
 - c) Off-street parking must be provided for the dwelling unit in accordance with Section 27.8 of this Code.
 - d) The dwelling unit must be a minimum of 450 square feet in floor area.
 - e) The dwelling unit, if attached to the commercial use, must meet the same setback requirements as the commercial use. If detached, the dwelling unit must meet the same setback requirements as single-family dwellings in the R-1B" District.
- 12) Outside display and storage of goods and merchandise.
- a) Outside displays of goods and merchandise shall not be located closer than ½ of the front yard setback to any street right-of-way-line and 50 feet from any residential property it shall not employ any elements that use motion to attract attention. All outside storage areas must be screened and buffered from any residential area. All outside storage areas must be secured by a fence or wall.

13) Outdoor Patios

- a) The owner of the property must give written consent.
- b) The location and the dimensions (area) of the proposed patio are subject to the Community Development Department review and all applicable fees.
- c) The proposed patio may not interfere with the public way, access to surrounding buildings, pedestrian traffic, or restrict traffic to emergency services.
- d) All outside dining area are subject to health department regulations.

e) Outdoor patios are not entitled to additional signage

f) The owner of the property or the occupant of the building must obtain an annual license by paying an annual fee to the Township as determined by the Board of Trustees.

17.3 Development Standards

Minimum Lot Area.....	1 acre
Minimum Lot Frontage.....	60 feet
Minimum Front Yard Setback.....	35 feet or as noted in Section 25.20
Minimum Side Yard Setback.....	30 feet
Minimum Rear Yard Setback.....	40 feet
Minimum Setback for Corner Lots from Side Street.....	Half the required front yard setback
Maximum Height.....	40 feet one story 70 feet for more than one story

17.4 Site and Landscape Plan Review

For all uses permitted in the C-2 District, a site plan shall be submitted to the Township Zoning Inspector for his review and recommendations. The Township Zoning Inspector in their review of the site plan, shall have regard to the provisions of this Resolution. The Township Engineer may require certain modifications in terms of the location of buildings, parking and driveways. The Township Zoning Inspector may require screening and landscaping techniques to ameliorate potential nuisance problems with adjoining districts or uses or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with the provisions of Article 25.14, Article 25.15

Amended 5/12/16 Resolution #2016-076

17.5 Screening/Buffering

To assist in the prevention of the transmission of light and noise from within any commercial district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district, without an intervening alley or other public way. Such screening shall be provided within the commercial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be of opaque or translucent materials resistant to deterioration by natural causes, or it shall be of such plant materials as will provide a year round evergreen screening. Screening as provided herein shall not be less than six (6) feet in height, shall be provided from the grade of the property upward and shall be permanently maintained. A minimum of a one hundred (100) foot wide buffer area shall be provided adjacent to residential districts. Screening or buffering must also be in

compliance with the provisions of Article 25.13. .

17.6 Required Parking

As specified in Article 27.

17.7 Signs

As specified in Article 28.

ARTICLE 18 – RECREATION DISTRICT

18.0 Statement of Purpose

To provide recreation districts in appropriate locations to encourage planned development of recreational facilities in the community.

18.1 Principal Permitted Uses

In all "REC" Districts, no person shall use any building, structure, or land and no person shall erect any building or structure except in accordance with the following provisions:

- 1) Recreational facilities such as community centers, ice rinks, and playing fields.
- 2) Golf courses and driving ranges.
- 3) Any park over five (5) acres.

18.2 Conditionally Permitted Uses

The following uses shall be permitted by the Township Board of Appeals, pursuant to the conditions noted below and to Article 9 of this Resolution:

- 1) Retail and service uses when primarily accessory to the recreation facility, which may include, but is not limited to a restaurant, cocktail lounge, marine parts and recreational equipment such as aqualungs and water skis, golf pro shops, and similar recreation equipment and subject to 18.4.
- 2) Seasonal residences, provided they are connected to a public supply of water and are tied into a public sanitary sewer system or other means of disposal of sanitary effluent as approved by the County Board of Health to ensure that pollutants will not get into Sandusky Bay and subject to conditions of Section 18.4.
- 3) Horse racing tracks.
 - a) The minimum lot area is two hundred and fifty (250) acres in size.
 - b) The track must have access to the state highway system.
 - c) The track must be located as not to negatively impact upon an existing residential neighborhood.
 - d) No principal building, accessory building, parking areas, loading or maneuvering areas shall be located less than five hundred (500) feet from the boundary of any residential district.
 - e) Also subject to conditions in Section 18.4.

- 4) Open air commercial amusements, including but not limited to amusement parks, miniature golf courses, batting cages, and mini race car or go-cart tracks, subject to Section 18.4 and the following conditions:
 - a) Such uses shall not have an adverse impact on surrounding properties.
 - b) Such uses shall be appropriately screened from adjacent properties with landscaping, a wall or wood privacy fencing so as to reduce potential noise, glare and vehicular and pedestrian traffic congestion.

- 5) RV trailer parks or campgrounds shall comply with the requirements of Ohio Administrative Code, Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code and subject to the following conditions:
 - a) Travel trailer parks must be a minimum of ten (10) acres in size.
 - b) Sewer, water, fuel, electrical and telephone installation and connections shall be done in accordance with plans approved by the appropriate agency or utility. Underground sewer, water and electrical connections must be supplied for each unit.
 - c) Maximum trailer size shall be forty (40) feet.
 - d) All streets and roadways shall be hard-surfaced and parking shall be prohibited on all streets and roadways. Main roadways will be a minimum of twenty-four (24) feet in width.

 - e) Outdoor areas used for display shall be provided within a permanent, durable, dust-less surface and shall be graded and drained as to dispose of all surface water accumulated within the area in accordance with the specifications of the County Engineer.
 - f) No trailer lot shall have direct access to a public thoroughfare.
 - g) Point of registration should be at least two hundred (200) feet from the road right-of-way.
 - h) There shall be a space between each two (2) trailers of at least twenty (20)

feet and not less than twenty (20) feet between the ends of each two (2) trailers.

- i) No trailer shall be closer than ten (10) feet from any private street or adjacent property line, or twenty-five (25) feet from any right-of-way line.
- j) No business of any kind shall be conducted in any trailer.
- k) All repairs shall be conducted within a wholly enclosed building.
- l) Fence and/or greenbelts may be required by the Township Board of Appeals.
- m) All exterior lighting shall be sufficient to provide security and discourage vandalism in the park. All lighting shall be shielded from adjacent residential districts.
- n) No facility herein provided for shall be used or maintained unless or until an on-site manager shall be provided for such a facility. Failure to provide such a manager shall be grounds for revocation of the conditional use permit.
- o) All signs shall conform to the sign regulations as stated in Article 28.
- p) The Township Board of Zoning Appeals shall approve the plans for any travel trailer park prior to issuance of a zoning certificate.

18.3 Site and Landscape Plan Review

A site plan must be submitted to the Township Zoning Inspector for approval in accordance with the provisions of Article 25.14, Article 25.15.

Amended 5/12/16 Resolution #2016-076

18.4 Performance Standards

- 1) No parking space, building or accessory building, use other than plant material shall be located closer than fifty (50) feet from abutting residential property line or road right-of-way line.
- 2) Adequate off-street parking shall be provided, sufficient to accommodate all users of said activity. Driveways providing means of egress and ingress and parking spaces shall be maintained in a dust-free condition. Driveways shall have a minimum width of twenty-four (24) feet and parking areas shall have a minimum of one hundred and eighty (180) square feet per space exclusive of aisles and

driveways.

- 3) All outdoor lighting shall be shielded and directed away from adjacent property and public thoroughfares.

18.5 Screening/Buffering

To assist in the prevention of the transmission of light and noise from within a recreation district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district, without an intervening alley or other public way. Such screening shall be provided within the commercial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be of opaque or translucent materials resistant to deterioration by natural causes, or it shall be of such plant materials as will provide a year round evergreen screening. Screening as provided herein, shall not be less than six (6) feet in height, shall be provided from the grade of the property upward, and shall be permanently maintained. See Article 22.13

18.6 Development Standards

Minimum Lot Frontage.....	100 feet
Minimum Front Yard Setback.....	50 feet or as noted in Section 25.20
Minimum Side Yard Setback.....	20 feet
Minimum Rear Yard Setback.....	50 feet
Minimum Setback for Corner Lots from Side Street.....	25 feet
Maximum Height.....	40 feet

18.7 Required Parking

As per Article 27.

18.8 Signs

As per Article 28.

ARTICLE 19 - PROFESSIONAL & BUSINESS OFFICE DISTRICT

(P-B-O)

19.0 Statement of Purpose

The P.B.O. District is designed to encourage the grouping of similarly related land uses. Past practices which witnessed the intermixing of all commercial uses have been found undesirable because the uses were not necessarily related. This brought about numerous pedestrian and automobile conflicts. A greater dependency upon the automobile was created in which greater shopping movement was encouraged. Centralizing office activities facilitates pedestrian movement and convenience in terms of satisfying activity demands with the minimum physical movement. For this reason, clustering of Office Uses as distinct from retail activity is seen as desirable.

19.1 Principal Permitted Uses

In a P.B.O. District, no person shall hereafter use any building, structure, or land and no person shall erect any building or structure except in accordance with the following provisions:

- 1) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales, subject to the limitations contained in Section 19.2, Required Conditions.
- 2) Medical offices, including clinics.
- 3) Other uses similar to the above uses, as determined by the Zoning Board of Appeals.

19.2 Required Conditions

No interior display shall be visible from the exterior of the building and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects shall not exceed twenty-five (25) percent of the usable floor area of either the first or second story, or in the basement. The outdoor storage of goods or materials shall be prohibited. Warehousing or indoor storage of goods or materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

19.3 Site and Landscape Plan Review

For all uses permitted in the P.B.O. District, a site plan shall be submitted to the Township Zoning Inspector for review and approval. The Township Zoning Inspector in review of the site plan, shall have regard to the provisions of this Resolution. The Township Zoning Inspector may require certain modifications in terms of the location of buildings, parking and driveways. The Township Zoning Inspector may require

screening and landscaping techniques to ameliorate potential nuisance problems with adjoining districts or uses or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with provisions of Article 25.14, Article 25.15.

Amended 5/12/16 Resolution #2016-076

19.4 Screening/Buffering

To assist in the prevention of the transmission of light and noise from within any commercial district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district, without an intervening alley or other public way. Such screening shall be provided within the commercial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be of opaque or translucent materials resistant to deterioration by natural causes, or it shall be of such plant materials as will provided a year-round evergreen screening. Screening as provided herein, shall not be less than six (6) feet in height, shall be provided from the grade of the property upward and shall be permanently maintained. See Article 25.13.

19.5 Development Standards

Minimum Lot Area.....	1 acre
Minimum Lot Frontage.....	60 feet
Minimum Front Yard Setback.....	25 feet or as noted in Section 25.20
Minimum Side Yard Setback.....	10 feet
Minimum Rear Yard Setback.....	25 feet
Minimum Setback for Corner Lots from Side Street.....	25 feet
Maximum Height.....	50 feet

19.6 Required Parking

As specified in Article 27.

19.7 Signs

As specified in Article 28.

ARTICLE 20 - LIGHT INDUSTRIAL (I-1)

20.0 Statement of Purpose

The I-1 District permits certain industries which are of a light manufacturing character to locate in planned areas of the Township. So that such uses may be integrated with land uses, such as commercial and residential uses, limitations are placed upon the degree of noise, smoke, glare, waste and other features of industrial operations so as to avoid adverse effects. It is further intended that these light industrial uses act as a transition between heavier industrial uses and non-industrial uses and not necessarily require railroad access or major utility facilities. This zoning designation will generally be located along state highways and arterial roads which provide good visibility for the proposed uses.

20.1 Principal Permitted Uses

- 1) Light and medium industrial uses including manufacturing, processing, automobile and truck assembly and manufacturing.
- 2) Metal stamping.
- 3) Processing or semi-manufactured products.
- 4) Warehousing.
- 5) Wholesale distribution centers.
- 6) Professional or industrial oriented offices.
- 7) Data processing centers.
- 8) Research and development facilities.
- 9) Building supply yards.
- 10) Truck and machinery rental, sales and servicing.
- 11) Contractors' yards.
- 12) Transport terminals.
- 13) Equipment repair and servicing shops.
- 14) Recreational uses.
- 15) Dyeing or cleaning plants.
- 16) Machine shops.
- 17) Retail outlets accessory to the main industrial use.
- 18) Assembly of manufactured products.
- 19) Light machinery, truck and automobile rentals.
- 20) Automobile dealerships.
- 21) All principal permitted uses in the C-1 (local commercial district) and the C-2 (general commercial district).

20.2 Conditionally Permitted Uses.

- 1) Mini-storage buildings, subject to the following conditions:
 - a) No lot shall be less than two (2) acres in size.

- b) The lot shall abut and gain direct access to a local non-residential, collector, or arterial street as specified in the Major Thoroughfare Plan.
- c) Stormwater management shall be incorporated into the site plan for a mini-storage building so that storm-water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm-water run-off from at least a 25-year return frequency storm as certified by a professional engineer.
- d) No business activity other than rental of storage units shall be conducted on the premises and no outside storage will be permitted.
- e) All outdoor lighting shall be shielded to direct light and glare only onto the mini-storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaped and focused away from all adjoining property.
- f) Building setbacks shall be as follows:

Front Yard Setback	50 feet on which parking & internal drives are prohibited or as noted in section 25.24
Side Yard Setback	Not less than 12.5 feet on which all parking and internal drives are prohibited
Rear Yard Setback	Not less than 12.5 feet on which all parking and internal drives are prohibited

- g) The storage facility shall be enclosed by a six (6) foot high, completely opaque fence. Said fence shall be solid or semi-solid and constructed to prevent the passage of debris and light and constructed of either brick, stone, masonry units, wood or similar materials. Chain link fence may be used so long as it has slats installed to prevent the passage of light through the unit. Said fence shall be setback six (6) feet from the side property lines and rear property line. When a rear yard setback is not required, a lesser setback for a fence can be granted. Fences shall also be set back twenty-five (25) feet from the front property line.
- h) Landscaping shall be provided in the areas between the property line and the required fencing. Landscaping shall consist of a variety of hardy

evergreen planted material consisting of trees, low-medium-and high-profile shrubs, together with suitable groundcover such as native grasses, bark, ornamental gravel or a combination thereof. The landscaping shall be designed, placed and maintained in such a manner that no wall, fence, sign or other structure or plant growth of a type that would interfere with traffic visibility shall be permitted or maintained higher than three (3) feet above curb level, within fifteen (15) feet of the intersection of any street right-of-way line or driveway.

- i) Parking shall be provided at a ratio of one space for each two thousand (2,000) square feet of gross building area, plus two (2) spaces for the manager. One additional space shall be provided for each additional employee. Internal drives and parking shall be paved or provided with a hard, dust-less surface satisfactory to the Township.
- j) Building heights shall be limited to one story (not to exceed fourteen (14) feet at the eaves).
- k) Signs shall be limited to one ground sign at the entrance to the premises. Not more than thirty-two (32) square feet shall be permitted with a maximum height of ten (10) feet. This provision shall control any and all contrary or conflicting provisions of the sign regulations of Article 31.
- l) No facility herein provided for shall be used or maintained unless or until an on-site manager shall be provided for such facility. Failure to provide such a manager shall be grounds for revocation of the conditional use permit.
- m) The sale of any item from or at a mini-storage building is specifically prohibited. It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units.
- n) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components is prohibited within any structure on a tract of land designated as a residential storage warehouse.
- o) Any violation of the regulation regarding mini-storage buildings shall be

grounds for the revocation of the conditional use permit and shall also be considered to be in violation of this zoning resolution.

- 2) All conditionally permitted use in the C-1 (local commercial district) and the C-2 (general commercial district).

20.3 Site and Landscape Plan Review

For all uses permitted in the I-1 District, a site plan shall be submitted to the Township Zoning Inspector for approval. The Township Zoning Inspector in review of the site plan, shall have regard to the provisions of Section 25.19. The Engineer may require certain modifications in terms of the location of buildings, parking and driveways and may require screening and landscaping techniques to ameliorate potential nuisance problems with adjoining districts or uses or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with the provisions of Article 25.14, Article 25,15.

Amended 5/12/16 Resolution #2016-076

20.4 Screening/Buffering

Screening or buffering in compliance with the provisions of Article 25.

20.5 Development Standards

Minimum Lot Area.....	1 acre
Minimum Lot Frontage.....	100 feet
Minimum Front Yard Setback.....	60 feet or as noted in Section 25.20
Minimum Side Yard Setback.....	20 feet
Minimum Rear Yard Setback.....	50 feet
Minimum Setback for Corner Lots from Side Street.....	50 feet
Maximum Height.....	40 feet

No principal building, accessory structure or parking areas, loading or maneuvering areas shall be located less than one hundred feet from the boundary of any residential district.

20.6 Required Parking

As specified in Article 27

20.7 Accessory Structures

- 1) No accessory structure shall be used for human habitation.
- 2) No accessory structure shall be located between the street line and any setback line established by this Resolution.
- 3) No accessory structure shall be located in any side yard required by this

Resolution.

- 4) No accessory structure shall be located within twenty (20) feet of any lot line.
- 5) No accessory structure shall cover more than ten (10) percent of the total lot area.
- 6) Minimum of thirty (30) feet between accessory structures or the main structure.

20.8 Signs

As specified in Article 28.

ARTICLE 21 - HEAVY INDUSTRIAL DISTRICT (I-2)

21.0 Statement of Purpose

The I-2 District is to permit certain industrial uses to locate in desirable areas of the Township, which uses are primarily of a manufacturing, assembling and fabricating character, including large scale or specialized industrial operations requiring good access by road and/or railroad and needing special sites or public utility services. Reasonable regulations apply to uses in this District, so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the Township.

21.1 Principal Permitted Uses

The following provisions apply in all I-2 Districts. In an I-2 District, no person shall hereafter use any building or structure except in accordance with the following provision:

- 1) Light, medium and heavy industrial uses including manufacturing, processing, metal stamping and automobile and truck assembly.
- 2) Cleaning and dyeing plants.
- 3) Underground bulk liquid storage.
- 4) Transport terminals, including railway yards.
- 5) Recycling depots and recycling operations.
- 6) Concrete and paving establishments.
- 7) Building or contracting yards.
- 8) Industrially oriented offices.
- 9) Material storage facilities.
- 10) Warehousing
- 11) Retail sales outlets accessory to the main industrial use.
- 12) Equipment repair and servicing shops.
- 13) Machine shops.
- 14) Junkyards.
- 15) All principal permitted uses in the C-1 (local commercial district), C-2 (general commercial district) and I-1 (light industrial district).

21.2 Conditionally Permitted Uses

- 1) Adult Businesses or sexually-oriented businesses shall be permitted by conditional use, subject to the following:
 - a) As used in this section the following definitions shall apply:
 - i) “Adult businesses or sexually oriented businesses” means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency,

nude model studio, or sexual encounter center.

- ii) “Adult arcade” means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing or “specified sexual activities” or “specified anatomical areas.”
- iii) “Adult bookstore” or “adult video store” means a commercial establishment which utilizes twenty-five percent (25%) or more of its retail selling area for the purpose of sale or rental for any form of consideration any one or more of the following:
 - A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproduction, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”, or
 - B) Instruments, devises, or paraphernalia which are designed for use in connection with “specified sexual activities.”
- iv) “Adult cabaret” means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - A) Persons who appear in a state of nudity; or
 - B) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
 - C) Film, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- v) “Adult motion picture theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or

description of “special sexual activities” or “specified anatomical areas.”

- vi) “Adult motel” means a hotel, motel or similar commercial establishment which:
 - A) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproducing which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - B) Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - C) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

- vii) “Adult theater” means a theater, concert hall, establishment which regularly features persons who appear in a state of nudity in live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas.”

- viii) “Escort agency” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

- ix) “Nude motel studio” means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, photographed, or similarly depicted by other persons who pay money or any form of consideration.

- x) “Sexual encounter center” means a business or commercial enterprise that, as one of its primary purposes, offers for any form of consideration:
 - A) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - B) Activities between male and female persons and/or persons

of the same sex when one or more of the persons is in a state of nudity or semi-nude.

- xi) “Specified anatomical areas” means human genitals in a state of sexual arousal.
 - xii) “Specified sexual activities” means and includes any of the following:
 - A) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - B) Sex acts, normal or perverted actual or simulated, including intercourse, oral copulation, or sodomy;
 - C) Masturbation, actual or simulated; or
 - D) Excretory functions as part of or in connection with any of the activities set forth in A) through C).
- (b) Only within the I-2 Heavy Industrial District shall sexually oriented businesses be permitted and only if the Perkins Township Zoning Board of Appeals determines that each of the following conditions have been met;
- i) No adult business shall be operated on a parcel of real estate within one thousand (1,000) feet from the boundaries of another parcel of real estate having situated on it a school, church, cemetery, library, public park, tavern, bar, residence or another adult business.
 - ii) An employee of an adult business, in the performance of the employee’s duties, shall appear on the premises in a state of nudity only where the employee is appearing on a stage that is at least twenty-four inches above the main floor level of the adult business and the employee is at least six (6) feet from the nearest other employee and/or customer.
 - iii) Section 1137.01 and 1137.02 governing conditional zoning permits and Section 1139.06 and 1139.07 governing site plan approval shall also apply for a conditional zoning permit under this section.
- c) Adult business as defined in the definition section of the resolution shall comply with all applicable regulations of the Board of Trustees of Perkins Township as those regulations may be adopted and amended from time to

time.

2) Fireworks Sales

Any business handling fireworks must meet the following provisions:

- a) Any use permitted herein shall be developed only on sites of at least forty (40) acres in area.
- b) No building or other use of land, except landscaped passive areas shall be situated within one hundred (100) feet of any private residence not included as part of this site.
- c) A permit has been obtained from the appropriate Perkins Township Fire Department official as described in P2800.2 of the Perkins Township Fire Code.

3) Mini-storage buildings, subject to the following conditions:

- a) No lot shall be less than two (2) acres in size.
- b) The lot shall abut and gain direct access to a local non-residential, collector, or arterial street as specified in the Major Thoroughfare Plan.
- c) Stormwater management shall be incorporated into the site plan for a mini-storage building so that storm-water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm-water run-off from at least a 25-year return frequency storm as certified by a professional engineer.
- d) No business activity other than rental of storage units shall be conducted on the premises and no outside storage will be permitted.
- e) All outdoor lighting shall be shielded to direct light and glare only onto the mini-storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaped and focused away from all adjoining property.
- f) Building setbacks shall be as follows:

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Front Yard Setback	50 feet on which parking and internal drives are prohibited or as noted in section 25.24
Side Yard Setback	Not less than 12.5 feet on which all parking and internal drives are prohibited
Rear Yard Setback	Not less than 12.5 feet on which all parking and internal drives are prohibited, except that a rear yard is not required adjacent to commercial or industrial zoned land

- g) The storage facility shall be enclosed by a six (6) foot high, completely opaque fence. Said fence shall be solid or semi-solid construction to prevent the passage of debris and light and constructed of either brick, stone, masonry units, wood or similar materials. Chain link fence may be used so long as it has slats installed to prevent the passage of light through the unit. Said fence shall be setback six (6) feet from the side property lines and rear property line. When a rear yard setback is not required, a lesser setback for a fence can be granted. Fences shall also be set back twenty-five (25) feet from the front property line.
- h) Landscaping shall be provided in the areas between the property line and the required fencing. Landscaping shall consist of a variety of hardy evergreen planted material consisting of trees and low-, medium-, and high-profile shrubs, together with suitable groundcover such as native grasses, bark, ornamental gravel or a combination thereof. The landscaping shall be designed, placed and maintained in such a manner that no wall, fence, sign or other structure or plant growth of a type that would interfere with traffic visibility shall be permitted or maintained higher than three (3) feet above curb level, within fifteen (15) feet of the intersection of any street right-of-way line or driveway.
- i) Parking shall be provided at a ratio of one space for each two thousand (2,000) square feet of gross building area, plus two (2) spaces for the manager. One additional space shall be provided for each additional employee. Internal drives and parking shall be paved or provided with a hard, dust-less surface satisfactory to the Township.
- j) Building heights shall be limited to one story (not to exceed fourteen (14) feet at the eaves).
- k) Signs shall be limited to one ground sign at the entrance to the premises. Not more than thirty-two (32) square feet shall be permitted with a maximum height of ten (10) feet. This provision shall control any and all

contrary or conflicting provisions of the sign regulations of Article 31.

- l) No facility herein provided for shall be used or maintained unless or until an on-site manager shall be provided for such facility. Failure to provide such a manager shall be grounds for revocation of the conditional use permit.
 - m) The sale of any item from or at a mini-storage building is specifically prohibited. It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units.
 - n) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components is prohibited within any structure on a tract of land designated as a residential storage warehouse.
 - o) Any violation of the regulation regarding mini-storage buildings shall be grounds for the revocation of the conditional use permit and shall also be considered to be in violation of this zoning resolution.
- 4) All conditionally permitted uses in the C-1 (local commercial district), C-2 (general commercial district) and I-1 (light industrial district).

21.3 Site and Landscape Plan Review

For all uses permitted in the I-2 District, a site plan shall be submitted to the Township Zoning Inspector for review and recommendations. The Township Zoning Inspector, in review of the site plan, shall have regard to the provisions of Article 25.14 and Article 25.15 . The Township Engineer may require certain modifications in terms of the location of buildings, parking and driveways and may require screening and landscaping techniques to ameliorate potential nuisance problems with adjoining districts or uses or to lessen the transmission of noise from the public street system.

Amended 5/12/16 Resolution #2016-076

21.4 Screening/Buffering

Screening or buffering in compliance with the provision of Article 25.

21.5 Development Standards

Minimum Lot Area.....	3 acres
Minimum Lot Frontage.....	200 feet
Minimum Front Yard Setback.....	80 feet or as noted in Section 25.20
Minimum Side Yard Setback.....	30 feet
Minimum Rear Yard Setback.....	50 feet
Maximum Height.....	50 feet

21.6 Required Parking

As specified in Article 27.

21.7 Signs

As specified in Article 28.

21.8 Accessory Structures

- 1) No accessory building shall be used for human habitation.
- 2) No accessory building shall be located between the street line and any setback line established by this by-law.
- 3) No accessory building shall be located in any side yard required by this resolution.
- 4) No accessory building shall be located within two (2) feet of any lot line, except that two adjoining property owners may erect accessory buildings with a common party wall.
- 5) No accessory building shall cover more than ten percent (10%) of the lot area.

21.9 Industrial Performance Standards

- 1) Noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.
- 2) Odor: The emission of obnoxious odors of any kind shall not be permitted.
- 3) Gases, Smoke, Dust, Dirt and Fly Ash: The emission of gases, smoke, dust, dirt and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformity with all applicable State and County health laws as pertaining to air pollution and smoke abatement.
- 4) Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied

petroleum gases and explosives, shall comply with all regulations of the Township Fire Department and with all State rules and regulations. Further, all storage tanks for flammable liquid materials above ground shall be located not less than one hundred and fifty (150) feet from all property lines and shall be completely surrounded by earth embankments, dikes or other type of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.

- 5) Open Storage: All storage of building materials, sand, gravel, stone, lumber, equipment and other supplies, be located within an area not closer than one hundred and fifty (150) feet from any street right-of-way line. The storage of lumber, coal or other combustible material shall not be less than twenty (20) feet from any interior lot line and a roadway shall be provided, graded, surfaced and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets and on all sides which abut any residential district. Junk yards shall be entirely enclosed on all sides by a screening wall.

ARTICLE 22 - MINERAL AGGREGATE DISTRICT (MA)

22.0 Statement of Purpose

It is the intent of this District to ensure the orderly extraction of mineral aggregate resources while minimizing any negative environmental, social and aesthetic impacts of mineral extraction.

The Mineral Aggregate District and regulations are established in order to achieve, among others, the following purposes:

- 1) To provide the Quarrying District in appropriate areas for the removal of natural resources; and
- 2) To protect adjacent residential areas by establishing yards and buffer areas at the boundaries; and
- 3) To regulate the noise, vibration, dust, explosions and other objectionable influences so as not to endanger the health and safety of the surrounding neighborhoods.
- 4) For the purposes of this Resolution, the following definitions apply:
 - a) Mineral aggregates shall mean topsoil, subsoil, sand, gravel, shale, limestone, dolostone, sandstone and other mineral materials suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metalliferous minerals, fossil fuels, or non-aggregate industrial minerals; and
 - b) Borrow pits refer to extraction areas used to supply mineral aggregates on a temporary basis for uses in public projects and operated by public authorities or their agents.

22.1 Principal Permitted Uses

- 1) Mineral aggregate extraction and uses accessory to mineral aggregate extraction such as crushing, screening, washing and stockpiling of mineral aggregates.

22.2 Conditionally Permitted Uses

Conditional uses may be permitted by the Township Board of Appeals pursuant to Article 9 and subject further to the terms and conditions herein provided:

- 1) Asphalt plants, ready-mix concrete plants, and similar related uses subject to the following:
 - a) Such aggregate uses shall be adequately buffered to protect adjacent land uses and shall meet the industrial pollution control standards and any other standards of the authorities having jurisdiction.

- b) Production of the principal product or operation of accessory plants shall not be permitted less than two hundred (200) feet from a residential district.

22.3 Performance Standards

Uses permitted by this Article shall be subject to and in conformance with Ohio Revised Code Section 1514.02. A copy of the surface mining permit application required by Ohio Revised Code Section 1514.01(A) and any amendments thereto proposed by the State of Ohio or applicant shall be provided as a site plan for the surface mining operation. In addition to the requirements stipulated in Ohio Revised Code 1514.01(A), the following regulations shall apply to all operations covered under this Article.

- 1) Noise
 - a) From the date of adoption of this Resolution, new quarry equipment shall operate in such a manner as to create a noise level not to exceed 75DbA at the abutting property line.
- 2) Air Pollution
 - a) Control measures shall be implemented on a continuing basis, during times of operation, to control dust on entrance roadways, in equipment operation and throughout the mining site. Stone products emitting dust, strippings or soil shall not be stockpiled above grade. Operations shall be carried out according to the terms and conditions of the Operator's Permit(s) to operate an air contaminant source(s), as issued by the Ohio EPA. Regulation and enforcement shall be by the Air Pollution Control Division, Ohio EPA.
- 3) Visual Impact
 - a) Ten (10) foot high screens shall be established to minimize the visual impact of the active mining or processing area from adjacent public road right-of-way except in those instances where prohibited by other governmental rules and/or regulations or where deemed to be impractical by the Zoning Inspector. Screens formed of over-burden or topsoil saved for future reclamation may be placed in the setback area provided appropriate vegetative cover is established. Barriers and/or screens shall be established to minimize the visual impact of the active mining or processing area from adjacent public road right-of-way, except in those instances where prohibited by other governmental rules and/or regulations or where deemed to be impractical by the Zoning Inspector. Trees or other natural screening materials shall be preferred.

- 4) Transportation
 - a) Points of ingress and egress associated with extraction and/or processing sites shall be located as approved for new sites by the Erie County Engineer or the Ohio Department of Transportation, as appropriate.
 - b) The applicant shall include with his submittal a map describing the proposed major access roads to be utilized for ingress and egress for the extraction operation.
- 5) Surface Water
 - a) The hydrographs and quality of water leaving the site of an extraction activity must meet the Ohio EPA standards.
 - b) During mining and reclamation, drainage shall be controlled so as to prevent the causing of flooding, landslides and flood hazards to adjoining lands resulting from the mining operations.
- 6) Groundwater
 - a) During mining and reclamation, contamination of underground water supplies shall be prevented. Water discharges and or out-falls from the operation shall be governed by the operator's National Pollutant Discharge Elimination System (NPDES) permit(s) and the applicable rules and regulations of the Ohio EPA.
 - b) The storage of fuels and chemicals and equipment services facilities required by uses permitted in Section 22.1 shall be located where they are least likely to contaminate groundwater. Permits shall be obtained by the Bureau of Underground Storage Tanks, EPA and comply with the Ohio Fire Code.
 - c) Upon the completion of the reclamation, drainage shall be controlled so as to prevent the causing of flooding, landslides and flood hazards to adjoining lands resulting from the mining operations.
- 7) Vibration and Blasting
 - a) The operation of stationary and mobile equipment shall not cause vibrations in excess of that permitted by applicable federal and state law.

- b) Blasting shall be done in accordance with the applicable laws of the State of Ohio and shall be carried out by persons certified to be knowledgeable and competent in the sizing and placing of the explosive to be used for blasting.
 - c) When the blasting area is within 1,000 feet of an existing residential structure the maximum hours of blasting operation shall be sunrise to sunset.
- 8) Slope Stability, Soil Erosion Control and Other Requirements
- a) During operations, the site shall be managed in a neat and professional manner.
 - b) Mining and reclamation activities will at all times be carried out in the manner and sequence as established by the Operator's Mining Permit and Reclamation Plan, as approved annually by the Ohio Department of Natural Resources and shall be supervised and regulated by the appropriate State and Federal agencies.

22.4 Amendments to the Resolution

- 1) In considering applications to amend this Resolution to designate an area as Mineral Aggregate Extraction, consideration shall be given to the following:
 - a) The impact on adjacent land uses and residents;
 - b) The impact on the physical environment;
 - c) The capabilities of the subject lands for agriculture and other land uses;
 - d) The impact on the transportation system;
 - e) The need for additional mineral aggregates;
 - f) The possible effect on the water table or surface drainage pattern;
 - g) The manner in which the operation will be carried out;
 - h) The nature of reclamation work that is proposed;
 - i) Such other matters as the Township deems necessary.
- 2) Applications to amend this Resolution in order to designate an area as Mineral Aggregate Extraction shall be accompanied by the following information:
 - a) The location, true shape, topography, contours, dimensions, area and description of the lands proposed as a new area of mineral aggregate extraction or the area proposed for expansion of an existing area of aggregate extraction;

- b) The use of all land and the location and use of all buildings and structures lying within a distance of five hundred (500) feet of any of the boundaries of the lands set aside for the purpose of the operation;
- c) The pattern, quality and estimated quantity of the mineral aggregate resources within the property;
- d) The location, height, dimensions and use of all existing or proposed buildings or structures;
- e) Existing and anticipated final grades of excavation;
- f) Engineering plans showing the proposed drainage system;
- g) Proposed entrances, exits and routes to be used by gravel trucks;
- h) To the extent possible, plans showing the ultimate area of aggregate extraction, progressive and ultimate road plan, any water diversion or storage facilities, location of stockpiles for stripping and products, tree screening and berming, progressive and ultimate rehabilitation and where possible, intended use and ownership of the land after aggregate extraction has ceased;
- i) The extent of adjacent property holdings intended for future mineral aggregate extraction;
- j) Additional information such as hydrology, wildlife, vegetation or soil studies which may be required due to special concerns related to a specific site and any other information as deemed necessary by the Township.

22.5 Site and Landscape Plan Review

For all new uses permitted in the MA District, a site plan shall be submitted to the Township Zoning Inspector for its review and recommendations. The Board of Appeals in its review of the site plan, shall have regard to the provisions of Article 25.14 and Article 25.15. The Board may require certain modifications in terms of the location of buildings, parking and driveways and may require screening and landscaping techniques to ameliorate potential nuisance problems with adjoining districts or uses or to lessen the transmission of noise from the public street system. The information as required by Article 25.14 and Article 25.15 25.19 must be submitted with the site plan. A site plan must be submitted in accordance with the provisions of Article 25.

Amended 5/12/16 Resolution #2016-076

22.6 Screening/Buffering

Screening or buffering in compliance with the provisions of Article 25, Section 25.16.

22.7 Development Standards

Minimum Lot Area.....	10 acres
Minimum Lot Frontage.....	300 feet
Minimum Front Yard Setback.....	75 feet or as noted in Section 25.20
Minimum Side Yard Setback.....	75 feet
Minimum Rear Yard Setback.....	75 feet
Maximum Height.....	100 feet

Production of principal product or operation of accessory plants, shall not be permitted less than two hundred (200) feet from a residential district or public road right-of-way.

22.8 Required Parking

As specified in Article 27.

22.9 Signs

As specified in Article 28.

22.10 Accessory Structures

- 1) No accessory structure shall be located between the street line and any setback line established by this by-law.
- 2) No accessory structure shall be located in any side yard required by this Resolution.
- 3) No accessory structure shall be located within seventy-five (75) feet of any lot line, except that two adjoining property owners may erect accessory structures with a common party wall.

ARTICLE 23 - PLANNED UNIT DEVELOPMENT REGULATIONS (PUD)

23.1 Planned Unit Development Regulations

Article 23 of this Resolution shall apply to the location and maintenance of Planned Unit Development as herein defined.

23.2 Statement of Purpose

It is the responsibility of these Sections to promote the public health, safety and welfare by providing for the regulation of planned unit development. It is the intent of these regulations to provide maximum opportunity for orderly development which will benefit the community as a whole by offering a greater choice of living environments, complementary blending of land uses, to include community facilities and open space and a more unified approach with respect to the mixture of uses and their adaptation to topographical and geological features, recreational opportunities and transportation needs.

23.3 Definition

“Planned Unit Development” or PUD shall mean a development which may integrate residential, commercial and industrial facilities in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains additional requirements such as building design principles and landscaping plans.

23.4 Interpretation

Whenever the requirements of Article 23 appear to be in conflict with other Sections of this Resolution or with those of other existing resolutions, the provisions of this section shall prevail.

23.5 PUD District Designation

Subsequent to the review of the Township Trustees, the designation “Planned Unit Development District” may be applied to any residential, commercial or industrial developments. Upon approval of the final development plan, the Official Zoning Map shall be so amended. The designation shall only apply to property at the election of the property owner.

23.6 Uses Permitted in a PUD District

Residential, commercial, manufacturing, public and quasi-public uses may be separate or combined in PUD Districts, provided that the proposed uses will not adversely impact

upon adjacent property or the public health, safety and general welfare and that the location of uses in the PUD are specified in the final development plan. The Planned Unit Development may be comprised of one use or a combination of uses, as indicated above. There is no minimum area required for a Planned Unit Development. The amount of land devoted to commercial and/or manufacturing use in a residential-commercial-manufacturing or residential-commercial development shall be determined by the Zoning Commission and approved by the Township Trustees.

23.7 Disposition of Open Space

The required amount of common space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or be dedicated to a property owners' association who shall have title to the land which shall be retained as common open space for parks, recreation and related uses. The legal articles relating the organization of the property owners' association is subject to review and approval by the Township Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Zoning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development.

The Township Zoning Commission in conjunction with the Township Trustees may require land to the amount of three percent (3%) of the land included in the planned unit development be conveyed to the Township for park purposes. In lieu of the conveyance for park purposes, the Commission may in conjunction with the Township Trustees, require the subdivider to pay cash in lieu of land to be used for improvements to parkland in the immediate area. The terms and amount of payment shall be determined in negotiation between the subdivider and the Township Trustees.

23.8 Utility Requirements

Underground utilities, including telephone, cable television and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be exempt from this requirement if the Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

23.9 Special PUD Lot Requirements

The lot requirements for planned unit developments approved by the Zoning Commission may vary from requirements of the districts included in this Zoning Resolution.

23.10 Arrangement of Commercial/Manufacturing Uses

When planned unit development districts include commercial and/or industrial uses, buildings and establishment shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the commercial and/or manufacturing areas. The plan of the project shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Zoning Commission.

23.11 Procedures for Approval of Planned Unit Development Districts

Planned Unit Development Districts shall be approved in accordance with the procedure in Section 23.11 to 23.32. The designation of major PUD will be considered a change of zoning and must meet all the applicable provisions of the Zoning Resolution.

23.12 Pre-Application Meeting

The developer shall meet with the Township Zoning Inspector prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Resolution and the criteria and standards contained herein and to familiarize the developer with zoning and other applicable regulations.

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23.13 Preliminary Development Plan Application Requirements

An application for preliminary planned unit development approval shall be filed with the Township Zoning Inspector, as representative for the Zoning Commission, by at least one owner of property for which the planned unit development is proposed. The procedure for approval shall be the same as an amendment to the Zoning Resolution, as detailed in Article 8. The filing of a preliminary development plan under this section shall constitute the election by the property owner to submit the property described in the plan to provisions of this Chapter and shall constitute an application for rezoning the property to the Planned Unit Development District (PUD). All plans prepared and submitted must be prepared by a registered engineer, surveyor or architect. At a minimum, the application shall contain the following information filed in triplicate:

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- 1) Name, address and phone number of applicant & property owner;

- 2) Name, address and phone number of register surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
- 3) Legal description of property;
- 4) Present use(s);
- 5) Present zoning district;
- 6) Identification of any area within a floodplain;
- 7) A vicinity map at a scale approved by the Township Zoning Inspector showing the property lines, streets, existing easements, and existing buildings, existing and the proposed zoning and other items such as the Township Engineer may require; ***Amended 5/12/16 Resolution #2016-076***
- 8) A preliminary development plan at a scale of 1" = 200' showing topography at a minimum of ten (10) foot intervals; location and type of residential, commercial and industrial land uses; layout and dimensions and names of existing and proposed streets; right-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas; and such other characteristics as the Zoning Commission may deem necessary; general location of buildings;
- 9) Proposed schedule for the development of the site;
- 10) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two years;
- 11) A fee as established by Resolution passed by the Township Trustees;
- 12) A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
- 13) Verification by at least one owner of property that all information in the application is true and correct to the best of his/her knowledge;
- 14) A conceptual drainage plan must also be submitted with the application.

The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why, in their opinion, the planned unit development would be in the public interest and would be consistent with the intent of these planned unit development requirements.

23.14 Criteria for Commission Recommendation

Before making its recommendation, the Commission shall find that the facts submitted with the applications and presented at the public hearing establish that:

- 1) The proposed development can be initiated within two (2) years of the date of approval.
- 2) The streets proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the

street network outside the planned unit development.

- 3) Any proposed commercial or industrial development can be justified at the location proposed.
- 4) Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these planned unit development requirements and the need to provide a variety of housing opportunities with regard to type and price.
- 5) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- 6) Proposed design shall consider the removal of minimal natural coverage and in all cases reflect conservatory measures relating to open space.
- 7) The PUD will not be hazardous or disturbing to existing or future neighboring uses.
- 8) The PUD will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- 9) The PUD will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- 10) The PUD will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors, The Zoning Commission may require studies such as a traffic study to be provided to ensure the concerns noted above can be addressed.
- 11) The PUD will encourage development as close as possible to existing settlements to keep the cost of providing service down.
- 12) The PUD will provide adequate access for emergency vehicles and for those persons providing emergency services.
- 13) The PUD will provide adequate security lighting for pedestrian circulation paths, vehicular use areas and exterior portions of buildings.

- 14) The design of the PUD will encourage the use of the existing road system presently maintained by the authority having jurisdiction to minimize the additional maintenance expense of new development and to ensure that new development is adequately served by the transportation network.
- 15) The PUD will be consistent with the intent and purposes of this Resolution & the Perkins Township Comprehensive Plan.

23.15 Development Policies

- 1) Density
 - a) The maximum density for a proposed residential development shall be based on site specific review, but shall be based on the compatibility with adjacent uses;
 - b) Where increased densities are located adjacent to existing buildings, the building setback should be increased to minimize any adverse impact of the proposed development.
- 2) Height Criteria
 - a) Architectural compatibility: The heights of all buildings are encouraged to be compatible with their vicinity.
 - b) General character: The heights of the buildings should be in general compliance with district regulations for a similar type of land use.
 - c) Scenic values: Buildings should be of such heights so as not to destroy or degrade the scenic values of surrounding area.
 - d) Views: Buildings shall not be of such height so as to block, destroy or degrade the scenic values of surrounding areas.
 - e) Light & air: Buildings shall not be of such heights so as to deny light and air to surrounding properties.

23.16 Site Design

Statement of Policy. The Township hereby finds that it is in the public interest for all sites within the community to be designed, arranged and developed in a safe, efficient functions, uses and improvements should reflect the natural capabilities and limitations of the adjacent property.

The various structures, use areas, functions and elements of the site design should be integrated by design into a unified whole, except in those cases where separation is appropriate to a particular interrelationship. Taking into consideration the basic character of the site and the nature of the proposed uses, the development should be visually

harmonious as perceived from both within and without.

- 1) Integration and separation: It is encouraged that those elements and functions of the site that are basically compatible with one another be integrated by design to the degree of their compatibility and separated to the degree of their compatibility.
- 2) Privacy: It is encouraged that all sites be arranged so as to provide privacy for the occupants of both the site and surrounding areas.
- 3) Aesthetics: It is recommended that the site be developed in such a way so as to be visually harmonious when viewed either internally or externally. The degree of existing character of the site and the basic nature of the proposed uses.
- 4) Vistas: It is encouraged that the site be developed in such a way so as to preserve or enhance vistas, particularly those seen from public places.

23.17 Placement of Structures

- 1) Clear Vision Area. No structure or foliage shall extend into a clear vision area between the height of three feet and seven feet measured from the top of the curb, or where no curb exists, from the established street center line grade. The clear vision areas shall be as follows:
 - a) Intersection of driveways and public rights-of-way: A triangle having two sides ten (10) feet long and running along the driveway and public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.
 - b) Intersection of two public rights-of-way: A triangle having two sides thirty (30) feet long and running along each public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two sides.
- 2) Placement of Structures
 - a) Adverse effects. No structure shall be placed in such a way so as to adversely affect adjacent ownership.
 - b) Snow storage areas. Buildings shall be placed in such a manner as to allow for snow storage easements adjacent to public rights-of-way. Snow storage easements shall be dedicated where appropriate.

23.18 Amendment Procedure

Upon receipt of a preliminary development plan which complies with the provisions of this Chapter, the Township Zoning Commission shall set a date for a public hearing. The Zoning Amendment shall follow the amendment procedures detailed in Article 8 of this Resolution.

23.19 Approval

Once the PUD has been reviewed by the Zoning Commission its recommendation is forwarded to the Township Trustees and a conceptual approval granted by the Township Trustees. The Final Development Plan shall be submitted to the Township Zoning Inspector.

Amended 5/12/16 Resolution #2016-076

23.20 Submission of Final Development Plan

After approval of the preliminary development plan in accordance with Section 23.19, the developer or applicant shall submit a final development plan to the Township Zoning Inspector. The final development plan shall be in general conformance with the preliminary development plan. Two (2) copies of the final development plan shall be submitted to the Township Zoning Inspector.

Amended 5/12/16 Resolution #2016-076

23.21 Final Development Plan Application Contents

An application for approval of the final development plan shall be filed with the Zoning Inspector by at least one owner of property for which the planned unit development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- 1) A survey of the proposed development site, showing the dimensions and bearing of the property lines; area in acres; topography; and existing features of the development site including major wooded areas; structures, streets, easements, utility lines and land uses.
- 2) All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties.
- 3) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated non-residential population; anticipated

construction timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvement, whenever the applicant proposed any exception from standard zoning district requirements or other Resolutions governing development.

- 4) Engineering feasibility studies and plans showing as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvement; and the nature and extent of earth work required for site preparation and development. The utility plans must be according to the county standards and approved by the County Engineer and the County Sanitary Engineer.
- 5) Site plan, showing building(s), various functional use areas, traffic circulation and their relationship.
- 6) Preliminary building plans.
- 7) Landscaping plans.
- 8) Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.

23.22 Action by Township Trustees

The Trustees shall either approve, approve with supplementary conditions, or disapprove the final plan as submitted. If the application is approved as submitted or approved with conditions, the Trustees shall direct the Township Zoning Inspector to issue zoning permits in accordance with the approved plan and any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment and no change from or substantive alteration in such planned unit development shall be permitted without repetition of the procedures in these Sections. Once the final plans have been approved by the Township Trustees, the application to rezone the property has been approved and the zoning map shall be amended to reflect this approval.

Amended 5/12/16 Resolution #2016-076

23.23 Supplementary Conditions and Safeguards

In approving any planned unit development application, the Trustees may prescribe appropriate conditions and safeguards in conformity with this Resolution. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Resolution and be punishable as such.

23.24 Expiration and Extension of Approval Period

The approval of a final development plan for a planned unit development district shall for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void. An extension of the time limit or modification of the approval final development plan may be approved if the Trustees find that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the final approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.

23.25 Changes in the Planned Unit Development

A Planned Unit Development shall be developed only according to the approved and recorded final plan and all support data. The recorded final plan and supporting data, together with all recorded amendments shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the uses of premises (including the internal use of buildings and structures) and location of structures in the Planned Unit Development, as set forth therein.

- 1) Major Changes. Changes which alter the concept or intent of the Planned Unit Development including increases in the density, changes in location and types of non-residential land use, increases in the height of buildings, reductions of proposed open space, more than fifteen percent (15%) modification in proportion of housing types, additions or modification greater than twenty percent (20%) in proportion to any existing building, changes in road standards or alignment, utilities, water, electricity and drainage, or changes in the final governing agreements, provisions or covenants, may be approved only by submission of a new preliminary plan and supporting data and following the “preliminary approval” steps and subsequent amendment of the final Planned Unit Development Plan.
- 2) Minor Changes. The Township Zoning Inspector may approve changes in the Planned Unit Development which do not change the concept or intent of the development, without going through the “preliminary approval” steps. Minor Changes are defined as any changes not defined as a major change.

Amended 5/12/16 Resolution #2016-076

ARTICLE 24 - FLOODPLAIN, FLOODWAY & WETLAND OVERLAY DISTRICT

24.0 Statement of Purpose

The Floodplain Overlay District is designed to protect those lands which are subject to predictable inundations at frequent intervals. Such regulations as herein established, while permitting reasonable economic use of affected properties, will protect the public health and reduce potential financial obligations on the Township and its individuals by frequent and periodic floods. By restricting the use of flood lands, areas are reserved for the impoundment of water with a consequent stabilized stream flow which promotes and maintains the streams' ecological environment.

24.1 Boundaries Further Defined

The floodplain and floodway districts are hereby established “overlay districts”, meaning that these districts are overlaid upon the districts and the land so enclosed may be used in a manner permitted in the underlying districts only if and to the extent such use is also permitted in this district.

The floodplain and floodway districts are hereby established as shown in Appendix “A” to the Zoning Map, which accompanies this Resolution.

As used in this Article, the terms “floodplain” and “floodway” refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. These terms also refer to overlay zoning districts whose boundaries are established on the map identified in this Section, which boundaries are intended to correspond to the actual physical location of floodways and floodplains. (These overlay districts thus differ from other zoning districts whose boundaries are established solely according to planning or policy rather than physical criteria). The floodplain area is the same as delineated in the Floodplain Building Regulations, as provided by the Erie Regional Planning Commission.

In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or twenty feet on each side, whichever is greater.

24.2 Artificial Obstruction within Floodplain

- 1) No artificial obstruction may be located within any floodway, except as provided in Section 24.2 and with issuance of a floodplain permit from the Erie Regional Planning Commission.

- 2) For purposes of this Section, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood-carrying capacity of a stream or may accumulate debris and thereby reduce the flood-carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.

24.3 Permissible Uses within Floodways

Notwithstanding this provision of this Resolution, no use of land within a floodway may be permitted unless the proposed use is listed in the underlying district and in the following units:

- 1) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm and other similar agricultural, wildlife and related uses.
- 2) Ground-level loading areas, parking areas, rotary aircraft ports and other similar ground-level area uses.
- 3) Lawns, gardens, play areas and other similar uses.
- 4) Golf courses tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses.

24.4 Limitations on Uses within Floodways & Floodplains

- 1) Any development within the District should meet the following criteria:
 - a) The proposed development is consistent with the need to minimize flood damage and
 - b) All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage and
 - c) Adequate drainage is provided to minimize or reduce exposure to flood hazards and
 - d) All necessary permits have been received from Erie Regional Planning Commission and those agencies from which approval is required by federal or state law.
- 2) No building may be constructed and no substantial improvement of an existing

building may take place within any floodway. With respect to mobile home parks that are nonconforming because they are located within a floodway, mobile homes may be replaced in such parks only if they comply with the provisions of Subsection (7).

- 3) No new residential building may be constructed and no substantial improvement of a residential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated to or above the base flood level.
 - a) Residential accessory structures shall be allowed within floodplains provided they are firmly anchored to prevent flotation.
 - b) Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or by over-the-top ties. When bolting to a concrete slab, one-half inch bolts six feet on center with a minimum of two per side shall be required. If over-the-top ties are used, a minimum of two ties with a force adequate to secure the building is required.
- 4) No new residential building may be constructed and no substantial improvements of a nonresidential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated or floodproofed to or above the base flood level. Where floodproofing is used in lieu of elevation, a registered professional engineer or architect shall certify that any new construction or substantial improvement has been designed to withstand the flood depths, pressure, velocities, impact and uplift forces associated with the base flood at the location of the building and that the walls below the base flood level are substantially impermeable to the passage of water.
- 5) For purposes of this Section, “substantial improvement” means for a building constructed prior to the effective date of this Chapter, any repair, reconstruction or improvement of a building, the cost of which equals or exceeds fifty percent of the market value of the structure either:
 - (i) before the improvement or repair is started;
 - (ii) if the structure has damaged and is being restored, before the damage occurred. “Substantial improvement” occurs when the first alteration on any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include with
 - (i) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to insure safe living conditions; or
 - (ii) any alteration of a building listed on the National Register of Historic

Places or a state Inventory of Historic Places.

- 6) No zoning, special use or conditional use permit may be issued for any development within a floodplain until the permit-issuing authority has reviewed the plans to assure that any new construction or substantial improvements shall be:
 - a) Designed (or modified) and adequately anchored to prevent flotation collapse, or lateral movement of the structure.
 - b) Constructed with materials and utility equipment resistant to flood damage.
 - c) Constructed by methods and practices that minimize flood damage.

- 7) Notwithstanding any other provision of this Section, no mobile home may be located or relocated within that portion of the floodplain outside of the floodway, unless the following criteria are met:
 - a) Ground anchors for the tie-downs are provided.
 - b) The following tie-down requirements are met:
 - i) Over-the-top ties are required at each of the four corners of the mobile home, with one additional tie per side at an intermediate location, for mobile homes less than fifty feet long. Two additional ties per side are required for mobile homes more than fifty feet long.
 - ii) Frame ties are required in conjunction with each over-the-top tie.
 - iii) All components of the anchoring must be capable of carrying a force of 4,800 pounds.
 - c) Lots or pads are elevated on compacted fill or by any other method approved by the administrator so that the lowest habitable floor of the mobile home is at or above the base flood level.
 - d) Adequate surface drainage and easy access for mobile home hauler is provided.
 - e) Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings not more than ten feet apart and if the

support height is greater than seventy-two inches, the support must contain steel reinforcement.

- 8) Dumping or back-filling with any material or excavation in any manner is prohibited unless:
 - a) Through compensating excavation and shaping of the floodplain, the flow and impounding capacity of the floodplain will be maintained or improved and will not cause an increase in the flood hazard or damage from floods and will not allow water to collect in pools that will stagnate.
 - b) No significantly measurable reduction in the flow or impoundment capacity of the floodplain thereby results.
 - c) Where there is dumping, back-filling or excavation in any manner, adequate site plans and engineering drawings shall be submitted to effectively show the final result of such action.

24.5 Site and Landscaping Plan Review

For all development in the Floodplain District, a site plan shall be submitted to the Township Zoning Commission for its review and recommendations. The Zoning Commission, in its review of the site plan, shall have regard to the provisions of Article 25.

24.6 Reference to Flood Plain Permit

Floodplain permits are required in accordance with the requirements of the Flood Damage Prevention and Flood Plain Building Regulations, Resolution No. 81-31. Applications for permits must be made through the Erie County Regional Planning Commission.

24.7 Wetlands

Wetlands are areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support and under normal circumstances support a prevalence of vegetation adapted for life in saturated soil conditions. Size is not a limitation. Areas smaller than an acre are regulated by the Army Corps of Engineers.

24.8 Permits Required

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403): Under this law you will need a permit from the Corps of Engineers for any structure or work that takes place in, under or over a navigable water or wetland adjacent to navigable waters of the United States. Section 404 of the Clean Water Act (33 U.S.C. 1344): Under this law, you need a permit to discharge dredged or fill material into a water of the United States.

24.9 Wetland Zone Mapping

This Section allows for the incorporation of wetland maps into the zoning resolution. Although all wetlands cannot be delineated without site specific analysis, the overlay district will delineate wetlands where the determination has been made. Permits shall be obtained through the Army Corps of Engineers, as appropriate.

ARTICLE 25 - SUPPLEMENTARY DISTRICT REGULATIONS

25.0 Purpose

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems and to promote the harmonious exercise of property rights without conflict. These supplementary District Regulations are, however, nonetheless intended to recognize as valid those uses of land currently in existence that were lawful when such uses commenced.

25.1 Conversions of Dwellings To More Than One Unit

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

- 1) The conversion is in compliance with all other local codes and resolutions and any applicable State or Federal regulations;
- 2) The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
- 3) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
- 4) The lot area per family equals the lot area requirements for new structures in that district;
- 5) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
- 6) The conversion is in compliance with all other relevant codes and resolutions.

25.2 Principal Building per One and Two Family Lots

No more than one principal building or structure may be constructed upon any one lot for the purposes of this Resolution. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of Article 6 of this Resolution.

25.3 Reduction of Area or Space

No lot, yard, parking area or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area or other

space which is already less than the required minimum shall not be reduced further. However, nothing in this Section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Resolution.

25.4 Construction in Easements

A. Definition: Easements for installation, operation and maintenance of utilities and drainage facilities awarded to the Township, County, State or utility.

B. Regulations: Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation and maintenance of such utilities or which may change the normal direction of flow of drainage within the easement. The easement by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.

25.5 Prohibited Uses for Mobile Homes

- 1) Individual mobile homes shall be prohibited in all zoning districts.
Amended 5/12/16 Resolution #2016-076
- 2) Trailers (not mobile homes) may be used as a “field office” subject to compliance with the regulations contained in Article 25.17(2).
Amended 5/12/16 Resolution #2016-076

25.6 Storage of Automobile, Truck, RV Vehicles & Boats in Residential Districts

- 1) No automotive vehicle, boat, truck, trailer, R.V. vehicle, camper of any type without correct license plates shall be stored on any residential property other than in an enclosed building.
- 2) A maximum of one (1) boat with trailer, one unoccupied recreational vehicle or one automobile may be stored in the rear or side yard of any residentially zoned property if it has a current license. The Zoning Inspector may require these vehicles to be covered.
 - a) During the summer season, defined as April 1st through October 31st, inclusive, one properly licensed boat with trailer, personal water craft or one recreational vehicle may be parked in the driveway of a residentially zoned property.
- 3) The storage of semi-tractor truck or semi-trailer trucks and other double axle vehicles on private property in residential zoned districts is prohibited.

- 4) All vehicles located on parcels with a lot area of one acre or less in Residential Zoned Districts, must be parked on an improved surface including but not limited to crushed stone, gravel or similar material, asphalt, concrete, brick, paving blocks etc.

Amended 8/11/16 Resolution #2016-138

25.7 Required Refuse Collection Areas

The refuse collection areas provided by all commercial, industrial and multi-family residential uses for the collection of trash, garbage and other refuse shall be enclosed on three (3) sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met:

- 1) The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
- 2) Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.
- 3) Storage areas in residential districts shall utilize such additional screening as required in this Resolution.

25.8 Junk

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags or any other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects and rodents.

In any residential, commercial or light industrial district the accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags or any other discarded objects or debris defined as “junk” by the Ohio Revised Code shall be prohibited, outside an approved junkyard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects and rodents.

In the heavy industrial district, the storage of disabled or inoperative machinery shall be allowed, provided said storage is located and not readily visible to abutting residential property or screened in an appropriate manner so as to not be readily visible to abutting residential property.

25.9 Supplemental Yard and Height Regulations

In addition to the regulations specified in other sections of this Resolution, Section 25.9 shall be used for clarification and interpretation.

- 1) Residential Setback Requirements for Buildings on Corner Lots
The minimum required width of a side yard abutting a street shall be one-half (1/2) the minimum required front yard depth for the district. Parking within this side yard is prohibited.
- 2) Yard Requirements for Multi-Family Dwellings
Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirement for the appropriate district as though it were on an individual lot.
- 3) Exceptions to Height Regulations
The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.
- 4) Architectural Projections
Open structures such as covered porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yards.

Covered front porches may project into the required minimum front yard a distance not to exceed eight (8) feet. Uncovered rear decks may project into the required minimum rear yard a distance not to exceed ten (10) feet.

Amended 5/12/16 Resolution #2016-076

- 5) Visibility at Intersections
On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted or allowed to grow in such manner as to impede vision materially between a height of two and one half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining along said street line fifty (50) feet from the point of intersection. On a corner lot at the intersection of two alleys, or at the intersection of an alley and a street, within any district, nothing shall be installed, erected, placed, planted or allowed to grow in such manner as to impede vision materially between a height of

two and one half (2-1/2) feet and ten (10) feet above the centrline grades of the intersecting alleys, or of the intersecting alley and street in the area bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines or alley and street lines, twenty-five (25) feet from the point of intersection.

25.10 Objectionable, Noxious or Dangerous Uses, Practices or Conditions

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious or objectionable or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken or maintained if operated or managed according to applicable federal or state regulations or if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, in absence of federal or state regulations the occupation or use of any land or building in any district shall be in violation of this Resolution if one or more of the following conditions is found to exist at any time:

- 1) The use or storage of flammable or explosive materials is not adequately protect by fire-fighting and fire-protection equipment or by such safety devices as are normally required or such activities;
- 2) Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
- 3) Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
- 4) Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
- 5) Erosion caused by wind or water which is carrying objectionable substances onto any adjacent lot or property;
- 6) Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency;
- 7) Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
- 8) Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property.

- 9) Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.

25.11 Enforcement Provisions

Any occupancy, use, conditions or circumstances existing in violation of Section 25.15 of this Resolution shall constitute a violation of this Resolution and be subject to the enforcement procedures contained in Article 5.

25.12 Temporary Uses

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use an application for a zoning permit shall be made to the Zoning Inspector, which shall contain a graphic description of the proposed use and a site plan, with sufficient information to determine the yard, setback, parking and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

- 1) Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one year, except that two (2) six-month extensions may be granted if conditions warrant.

Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first.

- 2) Temporary buildings, offices and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one year, except that six-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first.

- 3) Temporary sales, uses and services may be permitted only within a paved parking area in a commercial zoning district classification subject to the following regulations:

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- a. That a zoning permit be obtained;
Amended 5/12/16 Resolution #2016-076
- b. That the zoning permit be valid for a period of ninety (90) consecutive days with the option of one renewal for a period not to exceed ninety (90)

consecutive days in a calendar year;

Amended 5/12/16 Resolution #2016-076

- c. That written authorization by the property owner(s) be submitted to the Township;
Amended 5/12/16 Resolution #2016-076
- d. That any temporary food vendor use not occupy an area of the parking lot more than 100 square feet;
Amended 5/12/16 Resolution #2016-076
- e. That any temporary use not occupy more than twenty-five 25% of the required parking spaces for the principal use of the property; and
Amended 5/12/16 Resolution #2016-076
- f. That site plan approval be obtained prior to the issuance of the zoning permit.
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- 4) Garage sales, which for the purposes of this Section shall include yard sales, barn sales and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct one (1) such sale within any twelve-month period upon the property at which he or they reside for a period not to exceed two (2) consecutive days without obtaining a zoning permit, so long as the provisions of this Resolution pertaining to signs and parking are observed. Garage sale permits shall only be issued to groups of families, neighborhood organizations and community organizations two (2) times within any twelve-month period and shall not exceed a period of three (3) consecutive days, so long as the provisions of this Resolution pertaining to signs and parking are observed.
- 5) Temporary Park Camp Permit

25.13 Screening/Buffering

A landscaping area may be required to screen and protect neighboring properties and passing motorists from the view of facilities, buildings and parking areas of the site development, as warranted. See Article 25.14 and Article 25.15 per additional regulations. Landscaped areas are subject to the following:

- 1) Screening shall be provided for one or more of the following purposes:
 - a) A visual barrier to partially or completely obstruct the view of structures or activities.
 - b) An acoustic screen to aid in absorbing or deflecting noise.
 - c) A physical barrier to contain debris and litter.
- 2) Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Inspector or Board of Zoning Appeals, in the event of an appeal, variance or conditional use:

- a) A solid masonry wall;
 - b) A solidly constructed decorative fence;
 - c) A louvered fence;
 - d) A dense vegetative planting;
 - e) A landscaped mounding.
- 3) Height of screening shall be in accordance with the following:
- a) Visual screening walls, fences, plantings or mounds shall be a minimum of 5½ feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than 3 feet. Plantings shall be a minimum of four feet in height at the time of planting.
 - b) A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five and one half (5½) feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
- 4) Screening for purposes of absorbing or deflecting noise shall have a depth of at least twenty-five feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the applicant in relation to the nature of the use. Additional screening shall be required if the initial screening is found to be inadequate.
- 5) Whenever required screening is adjacent to parking area or driveways, such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.
- 6) All screening shall be trimmed, maintained in good condition and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

25.14 Site Plan Review

- 1) Purpose
It is the intent of this Section to protect the health, safety, convenience and general welfare of the inhabitants of the Township. The Site Plan Review regulates the development of structures and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- a) The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g. noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
- b) The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads;
- c) The adequacy of waste disposal methods and protection from pollution of surface or groundwater; and
- d) The protection of historic and natural environmental features on the site under review and in adjacent areas.

2) Uses Requiring Site Plan Approval

All new development land use activities within the Township shall require site plan review and approval before being undertaken, except those specifically exempted below. While not all inclusive, the following uses shall require site plan approval: multi-family residential developments, commercial establishments, professional offices, shopping centers, mini-malls, warehouses, industrial buildings and institutional buildings.

3) Exempted Uses

The following land use activities are exempted from the requirements of this regulation:

- a) Construction of one or two family dwellings, ordinary accessory structures and related land use activities.
- b) Ordinary repair or maintenance of existing structures or uses.
- c) Agriculture land uses, with the exception of roadside stands for the sale of agricultural products from a permanent structure.
- d) Exterior alterations or additions 1) to an existing residential structure which do not substantially change its nature or use and 2) to any commercial or industrial structure which will not increase the gross floor area of the existing structure by less than 500 square feet or less than 5% of the gross floor area.

4) Existing Uses and Structures

These regulations do not apply to uses and structures that are lawfully in existence on the date this resolution becomes effective. Additions/new construction and changes in use will meet the requirements of the site plan review, as detailed in 25.19.

5) Procedure

- a) An applicant for Site Plan Review under this Section shall be filed with the Zoning Inspector ten (10) days prior to a scheduled meeting, three (3)

copies each of the site plan documents. A copy of the site plan shall be submitted and kept on file.

- b) The Zoning Inspector within thirty (30) days after determining that the application is complete, shall approve or disapprove the site plan.
 - i) Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this Resolution;
 - ii) Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this Resolution or;
 - iii) If site plan is not approved, applicant may require review by Board of Zoning Appeals who may approve the site plan subject to any conditions, modifications and restrictions.
 - iv) Zoning permit to be issued fourteen (14) days after site plan approval.

6) Submission Requirements

The site plan shall include the following data, details and supporting plans. The number of pages submitted will depend on the proposal's size and complexity.

All of the requirements must be met in each plan with notations explaining the reasons for any omissions.

The Zoning Inspector may, based on the size and complexity of the development, require site plans be prepared by a registered professional engineer, architect or landscape architect at a scale to be determined by the Inspector.

Items Required for submission include:

- a) Survey plan of the development area.
- b) Name of the project, boundaries and location map showing site's location, north arrow and scale of the plan.
- c) Name and address of the owner of record, developer and seal of the engineer, architect or landscape architect.
- d) Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property line.

- e) All existing lot lines, easements and rights-of-way.
- f) The location and use of all existing and proposed buildings and structures within the development.
- g) In all multi-family projects the location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls and fences.
- h) The location, height, intensity and bulk type (e.g. fluorescent, sodium, incandescent) of all new or additional external lighting and methods to eliminate glare onto adjoining properties must also be shown.
- i) A maximum of two (2) menu board signs are permitted for each drive through business.
Amended 11/10/16 Resolution #2016-194
- j) The location of all proposed utility systems including:
 - sewage or septic system;
 - water supply systems;

All stormwater drainage plans to be developed in accordance with Erie County Stormwater and Sediment Control Regulations.
- k) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable.
- l) For all new construction a landscape plan must be drafted to show all proposed changes to the natural features of the site area. The plan will show all existing natural land features, trees, forest cover and water sources and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- m) Zoning district boundaries of adjacent properties shall be drawn and identified on the plan.
- n) Traffic flow patterns within the proposed site, entrances and exits, loading and unloading areas, curb cuts on the proposed site and within one hundred feet of the site.

The Zoning Inspector may require a detailed traffic study for large developments for those in heavy traffic areas to include:

- i) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 - ii) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
 - iii) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.
- o) For new construction or alterations to any existing building, a table containing the following information must be included:
- i) Area of building to be used for a particular use such as retail operation, office, storage, etc.;
 - ii) Maximum number of employees;
 - iii) Maximum seating capacity, where applicable; and
 - iv) Number of parking spaces existing and required for the intended use.
- p) Elevation plans when required by the Zoning Board of Appeals:

7) Standards for Review

The Zoning Inspector shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below.

Detailed design guidelines and performance standards have been adopted by the Board of Township Trustees to guide decisions with respect to these objectives and to help ensure consistency in the review of all site plan applications.

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- a) Legal
Conformance with the provisions of the regulations of the Township and all applicable rules and regulations of state and federal agencies.

- b) Traffic
Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- c) Parking
Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
- d) Pollution Control
Adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
- e) Nuisances
Protection of abutting properties and Township amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, dust, odors, glare, storm-water runoff, hazardous materials, etc.
- f) Existing Vegetation
Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
- g) Amenities
The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings and the retention of open space and agricultural land.

25.15 Site Plan Design Guidelines & Performance Standards

- A. Applicability. The following design standards are applicable to development within the "C-1"/Local Commercial, "C-2"/General Commercial, "R"/Recreational, "P-B-O"/Professional & Business Office, "I-1"/Light Industrial, and "I-2"/Heavy Industrial Districts.

These standards are intended to supplement the site plan review standards found in Section 25.19, and the screening/buffering standards found in Section 25.18, and the signs regulations found in Sections 28.2, 28.5, 28.7, 28.8, and 28.19.

Where the term "approved" is used herein, it refers to approved by the Zoning Inspector as related to site plan and building design review.

- B. Exceptions. The Board of Zoning Appeals is authorized the grant exceptions to the site plan design guidelines and performance standards. Exceptions **must** be supported by findings of fact which demonstrate that the exception meets the purpose and intent of these guidelines and standards.
- C. Design Guidelines and Standards. The following design guidelines and standards apply to all development in the zoning district classifications as defined above:
1. Building and outdoor uses.

Building Facades:

The following guidelines and standards are to be followed for all buildings in the above-noted districts with the exception of the “I-1”/Light Industrial and “I-2” Heavy Industrial Districts when the buildings are solely used for manufacturing or industrial type of uses:

- a) General Design: All facades of a building shall be designed with consistent architectural treatment of style, detail, trim, features, and roof treatments.

Architectural details and ornamentation shall be meaningful to the overall design, and appropriate for the size and scale of proposed buildings or structures, and the relationship to other adjacent or nearby buildings or structures.

Detailing such as trim, moldings, bands of contrasting siding or brick, varying textures of concrete or stone are encouraged as part of an overall design which is in scale with the building and related to other elements.

- b) Materials: Only high quality, durable building materials shall be used, including such materials as brick, wood, sandstone, other native stone, and tinted/textured concrete masonry units.

Smooth faced block, concrete panels, or pre-fabricated metal panels are prohibited as predominant building materials for any building or structure.

- c) Colors and textures shall be appropriate for the size and scale of proposed structures, weathering, and the relationship to other colors and textures, including those used on adjacent structures.

Facade colors shall be subtle, neutral, or earth tone, and of low reflectance. Brighter colors may be used on building trim. High intensity colors, metallic

colors, black or fluorescent colors are prohibited on facades. Repeating patterns of color, texture, and materials should be encouraged.

- d) Windows, doors and other openings shall be so located on the facades and be of such dimensions as are appropriate for the style, scale, and orientations of the building and in a pattern which contributes to a balanced façade appearance. Customer entrances should be accentuated. Decorative elements, caps, brickwork, and trim are encouraged around windows and doors to add interest to the overall design.

Windows shall be designed as noted below:

1. Facades facing lot lines collinear with public or private streets shall contain not less than twenty five percent (25%) transparent glass windows excluding both the “i-1”/Light Industrial District and “I-2”/Heavy Industrial District. Buildings setback 300 feet or more from public or private streets are exempted.
 2. Required window areas shall not be obstructed by shelves or displays or otherwise covered from the inside or outside, except by approved window treatments.
- e) Facades greater than 100 feet in horizontal length shall incorporate wall plane projections or recesses having a depth equal to at least 3% of the length of the façade and extending at least 20% of the length of the façade. No part of a façade shall extend unbroken by such projection or recess for a distance of more than 100 feet.
- f) Flat Roofs shall only be permitted for structures two (2) stories or greater, except that a flat roof may be permitted on a structure containing 10,000 square feet or more on a single floor and if the roof is concealed by a parapet extending at least three (3) feet but not more than ten (10) feet above the roof, capped with a three dimensional cornice treatment.
- g) Service docks and loading areas shall not be located on facades facing or otherwise visible from public roads, except where approved with screening using materials consistent with and integral to the architecture of the building.
- h) Mechanical equipment shall be screened from view from the public streets. Any material used to screen equipment, whether roof-mounted or ground-mounted, shall be designed to be compatible with the design of the building.

- i) Outdoor waste storage and loading areas shall be only permitted in locations approved in the site plan. Such outdoor uses must be screened by a solid wall or fence which shall be a minimum of five (5) feet in height and designed integral with the architecture and materials of the main building.



Example of screened storage and loading areas.

- 2. Public street system. Where proposed public streets are indicated on any thoroughfare plan or Comprehensive Plan for the Township, or otherwise indicated by the Township to be in the public interest for the purposes of creating a safe, complete, and functional street system, owners of property on which a new development is proposed shall be required to develop and dedicate such public right-of-way in accordance with County engineering standards. The Township may approve alternative means for satisfying the public interest in creating a street system that will provide access to property.

3. Parking and access.

a) General Provisions

- 1. As provided for under Section 27.5 of the Zoning Resolution, the Board of Zoning Appeals is authorized to modify the parking regulations contained in that Resolution.
- 2. Parking areas are encouraged to be designed in a manner other than rectangular.
- 3. Twenty five percent (25%) of all handicap accessible parking should be located so that users do not have to cross lanes of traffic on-site. The remaining seventy five percent (75%) of handicap accessible parking should be located in close proximity to the entrance(s) of the

structure.

b) Parking lot access

1. Parking lots shall only be accessed from approved public or private streets.
2. All parking lots shall be established with approved easements providing for cross traffic from abutting properties.
3. Joint curb cuts shall be strongly encouraged to reduce points of traffic conflict on public and private streets. Alternatively a developer must demonstrate why they cannot do this.
4. Where direct access to a major thoroughfare or high traffic street or roadway is the only feasible access at the time of construction, such access may be approved as temporary access provided that the parking and drives are designed for adaptation to a planned future street or common drive, and that the property is deed restricted (or guaranteed by bond) to require that the temporary access will be removed when the planned access becomes available.
5. Access drives and service drives, from property located on thoroughfares other than Milan Road, may be located in the front setbacks, provided they do not exceed sixteen (16) feet in width and are not closer than twenty (20) feet to the right-of-way. Any access or service drive located in the front setback shall be screened with a continuous double hedge (shrubs arranged in triangular spacing) and maintained at a height of three (3) to four (4) feet. Loading areas, storage areas, service windows, and similar facilities must be located on the side or rear of the building.
6. All paved vehicular areas, including but not limited to access drives and parking areas, shall be edged with concrete curbs, unless otherwise approved by the Zoning Inspector.

c) Parking lot landscaping

1. Parking lot visible to the public street: one (1) tree per thirty (30) feet of exposed side; one (1) evergreen shrub (minimum three (3) feet in height at time of planting) per three (3) feet of exposed side. The Zoning Inspector may approve an alternative perimeter landscape plan which incorporates a combination of trees, shrubs, earth mounds,

fences, or walls.

2. Interior parking lot landscaping shall be required as follows in all districts with the exception of the “I-1”/ Light Industrial and “I-2”/ Heavy Industrial Districts when buildings are solely used for manufacturing or industrial types of uses:
 - i. Minimum one (1) tree per ten (10) parking spaces. (This does not include trees required for the landscaping strips below).
 - ii. A landscaped strip not less than thirty (30) feet in width (which may include required bike routes or sidewalks) shall separate each four (4) bays (rows) of parking and drives. The landscape strip may include required pedestrian/bike facilities eight (8) feet wide if required by the Zoning Inspector and shall include a minimum of one (1) shade tree per 1500 square feet of area of the landscaped strip.

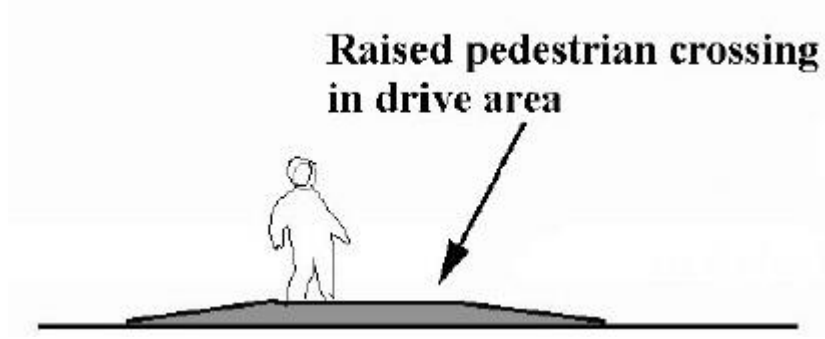


4. Pedestrian facilities.

- a) On-site pedestrian facilities shall be provided as approved in the site plan, designed with the purpose of encouraging pedestrian access between the main use and the public or private streets between sites.
- b) Sidewalks shall be constructed along all public street frontages as may be required by the Zoning Inspector, unless already existing.
- c) A pedestrian walkway shall be provided from any area of parking located further than two hundred (200) feet from the main entry or facility of the

building that it serves.

- d) As directed by the Zoning Inspector, where a pedestrian walkway crosses a main drive or private road, pedestrian crossing signs shall be installed and the walkway shall be raised and paved in a manner which clearly distinguishes the walkway from the vehicle way.



- e) All sidewalks shall be a minimum of five (5) feet in width.

5. Bicycle Facilities.

- a) Sites shall be designed to encourage bicycle access and connection to any nearby bicycle facilities.
- b) At least 1 bicycle storage rack shall be installed for each business exceeding 50,000 square feet of gross floor area (other than used for industrial or manufacturing purposes). Each bicycle storage rack shall have spaces for at least five (5) bicycles. When more than one business on the same parcel exceeds a combined gross floor area of 50,000 square feet these standards shall apply.
- c) All storm water inlet grates shall be of an approved bike-safe design, and stamped with the “Do Not Dump, Drains to Waterways” or like kind.

(Example below)



Example of bike-safe storm water inlet grates.

6. Storm Water Management.

- a) Each development shall provide storm water management facilities in accordance with the Erie County Stormwater Management Rules, Regulations, and Erosion Control design standards and approved by the Erie County Engineer's Office.
- b) A shared storm water management facility, among property owners, is encouraged. Appropriate easements must be obtained prior to construction.
- c) Underground storage or the use of "best management practices" such as bioretentions, constructed wetlands, permeable pavers or pervious concrete, infiltration trenches, and similar low-impact development methods are preferred.

7. Utilities. All utilities shall be installed below ground within site.

8. Lighting.

- a) Lighting shall be limited to the amount necessary to support the uses on the site and to promote safety and security.
- b) Only approved down lights and cutoff fixtures shall be permitted.
- c) All lighting under canopies shall be designed as full cut off or down lights designed to light the area below only and to prevent external light glare on adjacent properties or roads.
- d) No light fixture shall be installed at a height exceeding twenty (20) feet if located nearer than 200 feet to a state highway. In other areas, light fixtures shall not exceed a height of twenty five (25) feet. These height restrictions do not apply to recreational or sports/athletic fields. Any such lighting is to be directed toward the ground in an effort to avoid light trespass.
- e) All exterior lighting shall be indicated on a site lighting plan submitted for approval. The site lighting plan shall indicate the location of each fixture,

the fixture type, the height of the fixture, and a numeric grid of lighting levels, in lumens, that the fixtures will produce on the ground (photometric report). The lighting plan shall indicate those fixtures which will be operated for security purposes during non-business hours and shall indicate the non-business hours.

- f) Exterior lighting (except public street lighting) shall comply with the following standards:
 - i. Parking areas: max. 20 lumens.
 - ii. All other areas: max. 12 lumens (except for recreational sports/athletic fields which can be illuminated in accordance with industry standards).

9. Landscaping.

- a) Landscape trees shall have a minimum caliper of two (2) inches, and a minimum height of six (6) feet at the time of planting.
- b) Evergreen shrubs shall be minimum twenty-four inches (24") in height at time of planting.
- c) Earth berms shall be varied in setback, height, width, and depth. Unless supported by a wall, rocks, or other approved support, slopes shall not exceed a ratio of 3:1.
- d) Landscaped areas wider than ten (10) feet shall be cut or filled to provide variations in topography.
- e) Screened equipment and storage areas shall be landscaped in a manner approved by the Zoning Inspector.

10. Buffers for abutting residential areas.

- a) Buffers shall be provided to mitigate the impacts of non-residential districts upon abutting residential districts.
- b) No building, parking, or other outdoor use shall be permitted in the buffer yard. A minimum of one (1) tree shall be planted every fifty (50) feet of the side or rear yard line abutting the residential district.

- c) A buffer shall be one of the following yards arranged and landscaped as approved by the Zoning Inspector. Buffer #1, #2, or #3 shall be provided on commercial or industrial properties.
 - i. Buffer #1: A yard at least one hundred (100) feet in width to include approved landscape materials.
 - ii. Buffer #2: A yard, at least fifty (50) feet in width, with a solid fence, six (6) feet in height, installed abutting the property line or within the yard, and including approved landscape materials.
 - iii. Buffer #3: A yard, at least twenty-five (25) feet in width, with a solid masonry wall, six (6) feet in height, installed abutting the property line or within the yard, and including approved landscape materials.

11. Signs.

- a) Freestanding signs shall be designed to fit within and complement the characteristics of the site, building, and wall signs in terms of color, material, texture, and scale.
- b) Wall-mounted signs shall be designed to fit within and complement the architectural forms, colors, and textures of the building. Signs are to fit within any architectural space specifically designed for signs and shall not cover architectural features.

Wall-mounted signs installed as part of a series of signs (such as a shopping center or plaza) shall be designed with compatibility of location, size, shape, style, material, color and illumination with other signs in the series. Sign colors shall complement the color of the building façade on which the sign is mounted.

- c) Excessive information and clutter on all types of signs is discouraged.

25.16 Setback on Cul-de-sacs

Each lot or parcel on a cul-de-sac, curved street or dead-end street shall meet the minimum lot width requirement at the required front yard setback of the zoning district.

25.17 Access

No person shall erect any building or structure on a lot or use any lot in any zone unless such lot has frontage on a duly dedicated, improved and accepted public street. Nothing in this Section shall prevent the use of an existing dwelling on a lot having access to a public road via a private road subject to the provisions of the existing district in which the

lot is located.

25.18 Access to Public Roads

- 1) The Board of Zoning Appeals in the granting of any variance or conditional zoning permit or the approval of any site, has the authority to impose any or all of the following provisions upon the access to any public roads or streets which abut the property:
 - a) the location, width, radius and number of all driveways entering into any public street or road;
 - b) a requirement that barriers be installed and maintained to prevent ingress or egress from a public street or road at locations other than designated driveways;
 - c) a limitation upon ingress or egress from certain public streets or roads where the property abuts more than one street or road;
 - d) a requirement that culverts be placed parallel to the road right-of-way so as to not interfere with the existing flow of surface water. The size of the culvert shall be based upon accepted engineering standards;
 - e) a limitation upon the direction which traffic exiting the property may turn onto the public street or road.

25.19 Storm Water Regulations

The Zoning Inspector, in the approval of any site plan and before issuing a permit for residential, commercial or industrial, shall require certification from the Erie County Engineer that the proposed project complies with the County Stormwater Regulations and have approved said plans.

25.20 Supplemental Front Yard Setbacks

Minimum front yard setback shall apply, as listed in previous articles, except as listed below:

- | | | |
|-----|--------------------------|---------|
| 1) | State Route #4 | 80 feet |
| 2) | United States Route #250 | 80 feet |
| 3) | Bell Avenue | 60 feet |
| 4) | Bogart Road | 80 feet |
| 5) | Campbell Street | 60 feet |
| 6) | Columbus Avenue | 60 feet |
| 7) | Fox Road | 60 feet |
| 8) | Galloway Road | 70 feet |
| 9) | Hull Road | 70 feet |
| 10) | Old Railroad | 80 feet |

- | | | |
|-----|-----------------------------------|---------|
| 11) | Perkins Avenue | 70 feet |
| 12) | Patten Tract Road | 60 feet |
| 13) | Ransom Road | 60 feet |
| 14) | Taylor Road | 60 feet |
| 15) | Strub Road - Campbell Street East | 55 feet |
| 16) | Strub Road - Campbell Street West | 70 feet |

Amended 5/12/16 Resolution #2016-076

* Note - in the case of a conflict between two listed streets, the most restrictive setback shall apply.

25.21 Medical Marijuana Cultivation, Processing or Retail Dispensaries Prohibited

Prohibit the location of any medical marijuana cultivators, processors, or retail or other dispensaries in any zoning district with the Township.

Amended 11/10/16 Resolution #2016-195

ARTICLE 26 - SPECIAL REGULATIONS

26.0 General

It is the purpose of these special regulations to promote the public health, safety and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restrictions or control, tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to general conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

26.1 Regulation of Satellite Dish Antennas

Section 26.1 inclusive shall apply to the location and construction of dish-type satellite signal-receiving antennas as herein defined.

1. Purpose

It is the purpose of Section 26.1 inclusive to regulate the location and construction of dish-type satellite signal-receiving antennas within the township in order to protect the public health, safety and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations association with wind loads and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

2. Definitions

- a) The following definitions shall apply in the interpretation of this Resolution:

“Dish” shall mean that part of a satellite signal-receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolic or similar in shape.

“Dish” type satellite signal-receiving antennas to include earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

- a) A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
- b) A low-noise amplified (LNA) whose purpose is to boost, magnify, store,

- transfer or transmit signals.
- c) A coaxial cable, whose purpose is to convey or transmit signals to a receiver.

“Receiver” shall mean the apparatus whose purpose is to obtain a signal from a cable or like source and transform it to a television signal.

3.Zoning Permit Required

No person, firm or corporation shall undertake the construction, erection or installation or any ground mounted satellite dish without a zoning permit issued in accordance with the provisions of this Resolution. In addition to the requirements of this Resolution, the application for such permit shall include the following:

- a) A description of the type of earth station proposed;
- b) A plot plan of the lot, premises or parcel of land showing the location of the proposed earth station and all other buildings thereon;
- c) Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures;
- d) Details of the method of assembly and construction of the proposed earth station;
- e) A fee as required for the review of plans and specifications and the inspection construction.

4.Ground-Mounted Satellite Dish Antennas

Ground-mounted satellite dish antennas are considered as accessory structures and are permitted as accessory uses in all districts. In addition to the provisions of this Resolution pertaining to accessory structures, the following provisions shall apply to ground-mounted satellite dishes:

- a) The maximum diameter of any ground-mounted satellite dish shall not exceed twelve (12) feet in diameter.
- b) The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15) feet above the finished grade;
- c) The satellite dish apparatus shall be painted a color which complements its environment and shall bear no advertisement, lettering, picture or visual image;

- d) The apparatus shall not be located in a side yard or a front yard;
- e) The site of the apparatus shall be screened with shrubbery and/or landscaped as proposed in the zoning permit application;
- f) The apparatus shall be mounted upon a solid concrete slab and shall be constructed in such manner that it will withstand wind forces of up to seventy-five (75) miles per hour;
- g) Only metal supports of galvanized construction shall be used;
- h) Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved four (4) foot fence;
- i) Any driving motor shall be limited to 110 volt maximum power and shall be encased in a protective guard;
- j) All wiring between the apparatus and any other structure shall be placed underground in approved conduit;
- k) The apparatus shall be bonded to an approved eight (8) foot grounding rod.

5. Roof-Mounted Satellite Dish Antennas

Roof-mounted satellite dish antennas are considered as accessory structures and are permitted as accessory uses in all districts, zoning permit is required. In addition to the provisions of this Resolution pertaining to accessory structures, the following provisions shall apply to roof-mounted satellite dishes:

- a) The maximum diameter of any roof-mounted satellite dish shall not exceed three (3) feet in diameter;
- b) The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four (4) feet;
- c) The apparatus shall be painted a color which complements the environment and shall bear no advertisement, picture, lettering or visual image;
- d) All wiring and grounding of the apparatus shall be in accordance with the electrical code;
- e) The apparatus, its mounting and all supporting devices shall be constructed and erected in accordance with the building code directly upon the roof of the

principal building and shall not be mounted upon a spire, tower, turret, chimney, pole or any appurtenance thereto attached;

- f) The satellite dish apparatus shall be so designed and installed as to withstand wind forces up to seventy-five (75) miles per hour.

6. Variances on Location Characteristics

An applicant may request a variance from the accessory building requirements and the required height restrictions in compliance with the procedures of Article 7 of this Resolution. In addition to all requirements of these sections, the applicant shall submit clear and convincing evidence that the requested variance is necessary in order for the satellite dish antenna to have a direct line of sight or unobstructed view of the satellite. In any case where the provisions applies, the variance granted by the Board of Zoning Appeals shall be the minimum variance required to achieve the necessary direct line of sight to assure that the antenna can properly function.

26.2 Drug Paraphernalia Establishments as Prohibited Uses

Drug Paraphernalia Establishments as herein defined are and shall be prohibited uses within all districts within this Township. Any person who establishes, operates or maintains a drug paraphernalia establishment, or instigates or participates in such action, shall be in violation of this Section and shall be guilty of a misdemeanor of the first degree, in addition to any other penalties specified in this Resolution.

26.3 Regulations of Swimming Pools as Accessory Uses

1) Purpose

It is the purpose of Section 26.3 to promote the public health, safety and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use.

1. Private Swimming Pools

- a) No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, or of a farm pond, shall be allowed in any residential district or commercial district except as an accessory use and shall comply with the following requirements:
- b) The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guest.
- c) The pool must be located in the rear yard and shall not be located closer than six (6) feet to any property line or easement;
- d) In-ground swimming pool, or the entire property upon which it is located, shall be

walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than six (6) feet in height and it shall be maintained in good condition with a gate and operating lock or a 4' fence with an automatic retractable pool cover approved by the Zoning Inspector.

e) Above ground swimming pools, must have a ladder that can be removed or locked up in place in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties.

2. Community or Club Swimming Pools

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

- a) The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- b) The pool and accessory structures thereto, including the area uses by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement.
- c) The swimming pool, its accessory facilities and all of the area used by the others shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than eight (8) feet in height and maintained in good condition with a gate and lock and screened from adjacent properties. The area surrounding the enclosure shall be suitably landscaped with grass, hardy shrubs and trees and maintained in good condition.
- d) Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.
- e) Such pool facilities shall not be operated prior to 8:00 A.M. in the morning or after 10:00 P.M. in the evening.

26.4 Regulation of Long-Term Parking Facilities as Accessory Uses

This Section shall apply to the location and operation of any long-term parking facility as an accessory use.

1. Purpose

It is the purpose of Section 26.4 to regulate long-term parking facilities constructed, operated or maintained as accessory uses in order to promote the public health, safety and welfare.

2. Conditional Use Permit Required

No person shall establish, operate or maintain on any premises a commercial parking facility where any vehicles, to include tractors, trailers, boats, campers, recreational vehicles, buses, trucks or automobiles, are to be parked for a continuous period exceeding six (6) days without obtaining a conditional use permit for such accessory use.

3. Permit Requirements

In addition to complying with all other provisions of this Resolution, particularly the requirements of Article 9, the applicant for the conditional use permit shall give evidence that the premises proposed for such use complies with the following conditions:

- a) That no boundary of the proposed outside parking area is within fifty (50) feet of a residential district boundary.
- b) That the proposed parking area will not prevent access to adjacent properties by fire safety equipment.
- c) That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties.
- d) That fencing and lighting of the facility will be sufficient to provide for its reasonable security.
- e) That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

26.5 Regulation of Home Occupations

1. Purpose

It is the purpose of this Section of this Resolution to promote the public health, safety and welfare through the regulation of home occupations. It is further the intent of this Section to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

2. Definition

“Home Occupation” means an accessory use which is an activity, profession, occupation, service, craft or subordinate to the use of the premises as a dwelling and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring tax consulting and the like involve not more than three receivers of such services at any one time, with the exception of certified or uncertified Type B Family Day-Care Homes, shall constitute a residential use and not an accessory use.

26.6 Regulation of Group Residential Facilities

1.Purpose

It is the purpose of this Section to regulate the location, operation and maintenance of group residential facilities, in order to promote the public health, safety and welfare. It is the intent of this Section to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their rehabilitation.

2.Definition

“Group Residential Facility” shall mean any community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitation of dependent or predelinquent children, the physically handicapped or disabled, or those with development disabilities or mental illnesses. A Class I Type A group residential facility contains six (6), exclusive of staff.

Class II: Any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug users, provided detoxification. A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

3.Conditional Use Permit Required

A Class I Type B group residential facility is permitted by right in any residential district. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 9 of this Resolution. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

- a) Evidence is presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency.
- b) Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
- c) Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking.
- d) Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- e) No such facility may be located within six hundred (600) feet of another such facility.

- f) No signs shall be erected by such facility for purpose of identification except a permitted street address sign.
- g) The exterior of all such facilities shall not be altered in character, but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
- h) Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational and retail services required by its residents and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
- i) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighboring residents, to include a structured procedure whereby their grievances may be filed and resolved.
- j) The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve and the location and type of similar facilities operated by the applicant.

4.Zoning of Group Residential Facilities

Group residential facilities shall be conditionally permitted uses as follows:

Class I	Type A	R-3
Class I	Type B	Permitted by right in all residential districts
Class II	Type A	R-3
Class II	Type B	R-3

26.7 Variance to Distancing Requirement

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Article 7 if the applicant clearly demonstrates that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation or similar amenities.

26.8 Regulation of Factory-Built Housing; Design and Appearance Standards

This Section shall apply to the construction and maintenance of factory-built housing in all districts.

1.Purpose

It is the purpose of Section 25.19 inclusive of this Resolution to promote the health,

safety and welfare of the community by establishing regulations governing the siting, construction and maintenance of factory-built housing. It is further the intent of these Sections to permit a wider range of housing opportunities while assuring the compatibility of a variety of housing types within certain residential districts.

2. Definitions

“Factory-built Housing” means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, “factory-built housing” shall include the following manufactured home and mobile home.

3. Siting Requirements

Any factory-built housing proposed to be located in any district shall comply with the following requirements:

- a) The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure’s vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
- b) All hitches, axles, wheels and conveyance mechanisms shall be removed from the structure.
- c) The structure shall be so oriented on the site that its long axis is parallel with the street and it shall have an entranceway facing the street, except where diagonal placement and the addition of a garage, carport or other accessory structure may be permitted by subdivision regulation and yard requirement.
- d) The site shall be suitably landscaped with adequate screening devices as elsewhere required.
- e) The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.
- f) The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
- g) The site shall be serviced by utilities in such manner as required by Resolution.

4. Zoning of Factory-Built Housing

Mobile homes shall not be permitted in any district unless otherwise specified in this resolution. Manufactured homes and modular homes which meet the design and

appearance standards contained in Section 25.20 shall be permitted accordingly.

26.9 Single-Family Design and Appearance Standards

- a) Single-family residential homes, whether modular, manufactured or site-built construction, shall comply with the following design and appearance standards:
- b) The structure shall be in conformance with the siting requirements for the Zoning District which it is to be located in.
- c) The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.
- d) The minimum floor area for every dwelling located on a lot in any zoning district shall be one thousand (1,000) square feet, excluding the area for basements, porches, attached garages or utility rooms.
- e) The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty (20) feet.
- f) Manufactured homes must have a state certification number from the Ohio Board of Building Standards to ensure compliance with the Ohio Building Code.

26.10 Fences, Walls and other Protective Barriers

1) General

- a) The erection, construction or alteration of any fence, wall, or other type of protective barrier shall conform to the requirements of the zoning district wherein they are located to the requirements of this Section.; and approved by the Zoning Inspector.
- b) No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a drive or a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

2) Residential

- a) Fences constructed within a side or rear yard shall not be higher than six (6) feet except as provided herein.
- b) Planting, Fences and Walls in Front Yard: No fence, wall or hedge shall rise over three (3) feet in height on any required front yard. No fence, wall or hedge planting shall interfere with visibility from a driveway.
- c) Fences on recorded lots having a lot area in excess of five (5) acres and a frontage of at least two hundred (200) feet and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts are excluded from these regulations.
- d) Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
- e) Fences which enclose public or institutional parks, situated within an area developed with the recorded lots shall not exceed eight (8) feet in height measured from the surface of the ground and shall not obstruct vision to an extent greater than twenty-five (25%) percent of their total area.

3) Commercial

- a) Fences in commercially zoned districts shall be limited to a height of eight (8) feet and be of sturdy construction, uniform design, painted and/or otherwise well maintained.
- b) Fences in commercially zoned districts shall be set back at least twenty-five (25) feet from the road right-of-way.
- c) The use of barbed wire on fences in a commercial district shall require approval of the Zoning Board of Appeals and the following conditions shall be met:
 - i) Barbed wire may be used on a security fencing, but shall be limited to three (3) strands.
 - ii) Barbed wire shall not project beyond the property line.
 - iii) Barbed wire shall not be used less than eight (8) feet from grade.

4) Industrial

- a) Fences in industrially zoned districts shall be limited to a height of eight (8) feet and be of sturdy construction, uniform design and painted and/or otherwise well maintained.
- b) Fences in industrially zoned districts shall be set back at least twenty-five (25) feet from the road right-of-way.
- c) Barbed wire may be used on security fencing in the Industrial District, subject to the following regulations:
 - i) Barbed wire shall be limited to three strands.
 - ii) Barbed wire shall not project beyond the property line.
 - iii) Barbed wire shall not be used less than six (6) feet from grade.

26.11 Wind Energy Conversion Systems Conditional Use

- 1.. Purpose.
- 2. Definitions.
- 3. Applicability.
- 4. Permit Requirement.
- 5. Small Wind Energy Conversion System Requirements.
- 6. Commercial Wind Energy Conversion System Requirements.
- 7. Non-Use

1. Purpose

The purpose of this Section is to preserve and protect the public health and safety and to promote the orderly land use and development of Perkins Township by the implementation of standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) (wind turbines) shall be governed as a conditional use in any zoning district of the Township.

2. Definitions

- . Total Height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.
- 2. Small Wind Energy Conversion System means **one** wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion

electronics that will be used primarily to reduce on-site consumption of electrical power.

3. Wind Turbine Rotor means that portion of the windmill, which includes the blades, hub and shaft.
4. Wind Turbine Tower means the supporting structure on which the rotor, turbine and accessory equipment are mounted.
5. Commercial Wind Energy Conversion System means a wind energy conversion system consisting of more than one wind turbine and tower producing less than five megawatts, which will be used primarily for off-site consumption of electrical power.
6. Wind Turbine means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator or rotor and includes the turbine, rotor, blade, tower, base and pad transformer, if any, and includes wind energy conversion systems designed to mount directly on the roof of existing buildings including residences.
7. Applicant means the person or entity filing an application for a conditional use permit under this Article.

3. Applicability

1. This Section applies to all Wind Energy Conversion Systems (WECS), and Wind Turbines small and commercial, as defined in this Section to be constructed and located in Perkins Township after the effective date of this Section.
2. Wind Energy Conversion Systems and Wind Turbines constructed or located prior to the effective date of this Section shall not be required to meet the provisions of this Section provided that, any physical modification to such pre-existing Wind Energy Conversion System (WECS) or Wind Turbine that materially alters the size, type and number of any WECS or Wind Turbine shall require compliance with this Section. If any pre-existing WECS or Wind Turbine is destroyed or damaged to the extent of more than fifty (50) percent of its fair market value as determined by a qualified engineer, at the time of destruction or damage, it shall not be reconstructed except in conformity with this Section.

4. Permit Requirement

1. No Wind Energy Conversion System, small or commercial, or Wind Turbine shall be constructed or located within Perkins Township unless a conditional use

permit, building permit and a zoning permit have been issued to the applicant.

2. The conditional use permit application shall be made in compliance with this Section and be accompanied with the fee for appearances before the Board of Zoning Appeals.
3. Any physical modification to an existing and permitted Wind Energy Conversion System or Wind Turbine that materially alter the size, type and number of such WECS shall require a permit modification under this Section. Like-kind replacements shall not require a permit modification.
4. Wind Energy Conversion System and Wind Turbines, as defined in this Section, shall not be allowed on the roof of any single family homes. Roof mounted wind energy conversion system and wind turbines may be located on the roof of commercial or industrial buildings located in the C-1, C-2, I-1, I-2 and MA zoned district after receiving a conditional use permit issued by the Perkins Township Board of Zoning Appeals.

5. Small Wind Energy Conversion System Requirements

1. Permitted Locations: A small wind energy conversion system is permitted in any zoning district on lots of at least one (1) acre.
2. Minimum Lot Size: No small wind energy conversion system shall be erected on any lot less than one (1) acre in size.
3. Total Height: For property sizes between one (1) and two (2) acres, the total height of any tower shall not exceed sixty (60) feet. For property sizes between two (2) and five (5) acres, the total height shall not exceed eighty (80) feet. For property sizes greater than five (5) acres, the total height shall not exceed one hundred (100) feet.
4. Location: No small wind energy conversion system shall be located in any front or side yard.
5. Setbacks.
 - a. Property Lines. A small wind energy conversion system or tower shall be set back from the nearest property line, public road right-of-way and communication and electrical line not less than 1.0 times its total height.
 - b. Inhabited Structures. A small wind energy conversion system or tower shall be set back from the nearest inhabited building not less than 1.0 times its

total height unless the building is located on the same lot or parcel.

6. Design Standards

- a. Monopole or Freestanding Design. The design of the small wind energy conversion system or tower shall be of a monopole or freestanding design without guy wires.
- b. Minimum Blade Height. The minimum height between a wind turbine blade and the ground at the blade's closest point to the ground shall be thirty (30) feet or thirty (30) feet above any structure or obstacle within one hundred (100) feet from the tower.
- c. Access. No tower shall have a climbing apparatus within fifteen (15) feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.
- d. Noise. No small wind energy conversion system shall exceed sixty (60) dba as measured at the property line or fifty (50) dba as measured at the nearest neighboring inhabitable building. The applicant shall provide evidence to the Perkins Township Board of Appeals that their installation meets these requirements with the application for a conditional use permit. If it is determined subsequent to installation that the noise requirement is exceeded, use of the wind turbine shall be subject to a cease and desist order issued by the zoning inspector and in addition, the conditional use permit shall be subject to revocation.
- e. Visual Appearance. Small wind energy conversion or tower systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No small wind energy conversion system or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy conversion system and/or tower.
- f. Electrical Interconnections. All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.
- g. Signal Interference. Efforts shall be made to site small wind energy conversion systems or tower to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy conversion system or tower owner and individual receiving interference shall make reasonable

efforts to resolve the problem. The granting of a conditional use permit for the wind turbine shall not constitute authorization or approval by Perkins Township for the signal interference nor relieve the applicant or permit holder from any liability to third parties for signal interference. All small wind energy conversion system or tower shall comply with all applicable federal laws.

7. Permit Applications. Application for a small wind energy conversion system and/or tower shall include the following information:
 - a. Site plan to scale showing the location of the proposed small wind energy conversion system and/or tower and the locations of all existing buildings, structures and property lines, along with distances; and
 - b. Elevations of the site to scale showing the height, design and configuration of the small wind energy conversion system and the height and distance to all existing structures, buildings, electrical lines and property lines; and
 - c. Standard drawings and an engineering analysis of the systems tower, including weight capacity and maximum wind resistance design; and
 - d. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site; and
 - e. Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system; including, the name and address of the manufacturer, model and serial number; and
 - f. Emergency and normal shutdown procedures; and
 - g. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and
 - h. Evidence that the provider of electrical service of the property has approved the interconnection of the electrical generator to their grid unless the system will not be connected to the electricity grid.

6. **Commercial Wind Energy Conversion System Requirements**

1. Permissible Locations. A commercial wind energy conversion system may be permitted as a conditional use (special exception) in any commercial, agricultural and/or industrial district.

2. **Minimum Parcel Size.** No commercial wind energy conversion system shall be erected on any parcel less than two (2) acres in size without being granted a variance.
3. **Total Height.** The total height of a commercial wind energy conversion system shall not exceed two hundred (200) feet above ground elevation.
4. **Setbacks.**
 - a. **Property Lines.** A commercial wind energy conversion system shall be set back from the nearest property line and public road right-of-way not less than 1.5 times the height of installation.
 - b. **Other Uses.** No commercial wind energy conversion system shall be located within five hundred (500) feet of a platted subdivision, park, church, school or playground.
 - c. **Inhabited Structures.** A commercial wind energy conversion system shall be set back from the nearest inhabited building, power line or communication line, not less than 1.5 times its total height.
5. **Design Standards.** A commercial wind energy conversion system shall comply with the design standards set forth for small wind energy conversion systems as set forth in these regulations.
6. **Permit Applications.** A commercial wind energy conversion system shall comply with the permit application requirements set forth in these regulations for small wind energy conversion systems.
7. **Commercial Wind Energy Conversion Systems –** shall not be permitted without approval of the site plan and the issuance of the Conditional Use permit by the Perkins Township Board of Zoning Appeals.

7. **Non-Use**

1. Any small wind energy conversion system, commercial wind energy conversion system or tower for which a conditional use permit was issued pursuant to this subsection which is not used for one (1) year, excluding non-use during a time when repairs are being undertaken in a timely manner which cannot be completed within one (1) year, shall be removed within the following six (6) months. Failure to remove the system shall be deemed a violation of the Zoning Resolution.
2. Any small wind energy conversion system or commercial wind energy

conversion system which is non-conforming and which is not used for one (1) year, excluding non-use during a time when repairs are being undertaken in a timely manner which cannot be completed within one (1) year, shall be removed within the following six (6) months. Failure to remove the system shall be deemed a violation of the Zoning Resolution.

8. Penalties

Any violation of any provisions of this section will subject the applicant or permit holder to the issuance of a cease and desist order by the zoning inspector as well as subject the applicant or permit holder to revocation of the Conditional Use Permit by the Perkins Township Board of Zoning Appeals and any other applicable remedies as provided by law.

Adopted July 14, 2009
Resolution #2009-009

26.12. Solar Panel Regulations

1. The installation and construction of a solar energy system is subject to the following development and design standards:
 - a. A Solar energy system may be building- mounted or ground mounted
 - b. Solar Panels must be placed so that concentrated solar radiation or glare is not directed at nearby properties or road ways
 - c. All power transmission lines from a ground-mounted solar energy system must be located underground
 - d. Signage is prohibited on a Solar Energy System
 - e. A solar array connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connected
2. Building Mounted Systems
 - a. A building mounted system may be allowed on a principal or accessory building
 - b. All building mounted systems are required to be approved through the Building Department in accordance to the adopted code at the time the application was submitted
 - c. Solar Panels are limited to the maximum building height of

the district in which they are building and in accordance of the building they are to be mounted on (principal or accessory)

2. Ground Mounted systems

- a. A ground mounted system shall be considered an accessory structure and will be subject to the regulations of the district they are to be built in
- b. A ground mounted system must be located in a rear yard and must be setback a minimum of three (3) feet from any lot line
- c. A ground mounted system must not exceed the maximum building height of the district

ARTICLE 27 – OFF-STREET PARKING & LOADING FACILITIES

27.0 Applicability

All uses, except single-family and two-family dwellings on individual lots, shall be required to provide off-street parking facilities in compliance with this Article.

27.1 Purpose

It is the express purpose of this Article to implement the following objectives:

- 1) To minimize the impact of vehicular traffic, entering or exiting any parking lot, upon the public streets by controlling the number and location of access driveways.
- 2) To facilitate and encourage safe and convenient pedestrian movement in appropriate areas of a parking lot and elsewhere.
- 3) To enhance the amenity, safety and appearance of uses, via landscaping, screening, sidewalks and other similar requirements.
- 4) To maximize the safety and convenience of vehicular circulation, both within the subject property and on the township road network.
- 5) To enhance compatibility between land uses.

27.2 Off-Street Parking Design Standards

All off-street parking facilities including entrances, exits, maneuvering areas and parking spaces shall be in accordance with the following standards and specifications:

- 1) Parking Space Dimensions: Each off-street parking space shall have an area of not less than that specified in Appendix C of this resolution and exclusive of access drives or aisle.
Amended 12/10/15; Resolution #2015-221
- 2) Access: There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
 - a) For single-, two- or three-family residential dwellings, the access drive shall be a minimum of nine (9) feet in width.
 - b) For all other residential uses and all other uses, the access drive shall be a

minimum of eighteen (18) feet in width.

- c) All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
- 3) **Setbacks:** The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Resolution notwithstanding the requirements specified in the Official and Supplementary Schedules of District Regulations and Dimensional Requirements. Parking lots shall be located ten (10) feet from any road right-of-way, ten (10) feet from residential side yards and rear yards and maintained as a green area.
- 4) **Screening:** In addition to the setback requirements specified in this Resolution for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Section 25.14 and Section 25.25 of this Resolution.
- 5) **Paving:** Areas shall be hard-surfaced with hard asphalt, concrete binder or semi-pervious pavement.
Amended 12/10/15 Resolution #2015-222
- 6) **Drainage:** All parking spaces, together with driveways aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Adequate arrangements shall be made to ensure acceptable diversion to an adequate storm drainage system. All drainage plans shall be approved by the County Engineer in conformity with the Erie County Stormwater Regulations.
- 7) **Barriers:** Wherever a parking lot extends to a property line, fencing, wheel stops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
- 8) **Visibility:** Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- 9) **Marking:** All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones or in some other manner approved by the Zoning Inspector

and shall be maintained in a clearly visible condition.

- 10) Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash or other debris.
- 11) Signs: Where necessary due to multiple curb cuts, the entrances, exits and intended circulation pattern of the parking area shall be clearly marked.
- 12) Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any Residential District.
- 13) Speed Bumps:
 - a) Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
 - b) The speed bumps shall be in the form of mounds as depressions in the pavement and shall be designed to restrain motor vehicle speed.
 - c) There shall be a warning sign posted at each entrance to parking area having speed bumps.
- 14) Separation from Streets and Sidewalks: Parking space shall be guarded by curbs or other protective devices which are arranged so that cars cannot project into streets, sidewalks or walkways. A curb cut shall be provided for wheelchair access.

27.3 Handicapped Parking

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:

TOTAL SPACES IN LOT/STRUCTURE	NUMBER OF DESIGNATED ACCESSIBLE SPACES
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one space per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

27.4 Joint Parking Lots

The joint or collective provision of required off-street parking areas shall comply with the following standards:

- 1) All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not further than five hundred (500) feet from the building served.
- 2) Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses and up to one hundred (100) percent of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used or operated during the same hours as the uses with which such spaces are jointly or collectively used.
- 3) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel and filed with the application for a zoning permit.

27.5 Modification of Requirements

The provision of this Article may be subject to modifications by the Board of Appeals after considering the following criteria:

- 1) The location and nature of the proposed use or expansion or an existing use.
- 2) The projected generation of trips to and from the use and the average length of the per unit.
- 3) The impact of potential parking congestion to surrounding uses.
- 4) The number of people expected to be employed in the operation or added to the operation.
- 5) The area which is accessible to the public compared to the area used for warehousing or storage.
- 6) The area available for parking expansion.

- 7) The purpose listed in this Article.

27.6 Prohibited uses; Temporary Uses

Automobile parking lots are for the sole purpose of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following and/or loading purposes:

- 1) The sale, display or storage of automobiles or other merchandise, except those activities typical to an automobile filling station.
- 2) Parking vehicles accessory to the use.
- 3) Performing services, including service to vehicles.
- 4) Any other purposes except permitted as follows:
 - a) Carnivals, circuses, fairs, exhibitions or other similar events, so long as they do not continue longer than seven (7) days.
 - b) Sales and display of seasonal decorations (Christmas, etc.) so long as the use would be permitted by right within the underlying district, the use will not continue longer than forty-five (45) days, adequate measures have been taken to address the purposes of this Article and a temporary use permit has been obtained.
 - c) Temporary placement of a mobile home during times of emergency, as declared by the Township Board of Trustees.
 - d) The placement of donation or recycling collection facilities, provided that such collection facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals and the total size of the facility is less than two hundred (200) square feet.
 - e) At no time shall temporary uses consume more than ten (10%) percent of the total parking lot area.

27.7 Parking of Disabled Vehicles

The parking of a disabled vehicle within a residential district for a period of more than one week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

27.8 Schedule of Required Parking Spaces

For the purposes of this Resolution the parking space requirements listed in Appendix B of this Resolution shall be calculated on a net floor area basis for property exceeding two acres in area or for buildings larger than 10,000 square feet of gross floor area. Properties less than two acres in area or buildings less than 10,000 square feet of floor area shall be calculated on a gross floor area basis.

Amended 1/7/16; Resolution #2015-244-245

27.9 Off-Street Storage Areas for Drive-in Services

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

- 1) Photo pickups, restaurants, drive-thru beverage docks and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point.
- 2) Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
- 3) Self-serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobile washing facilities shall provide a minimum of six (6) storage spaces per entrance.
- 4) Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

27.10 Off-Street Loading Space Requirements

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of three thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space and one additional loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) square feet.

27.11 Off-Street Loading Design Standards

All off-street loading spaces shall be in accordance with the following standards and specifications:

- 1) Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve (12) feet in width, sixty-five (65) feet in length and a vertical clearance of not less than fourteen (14) feet.
- 2) Setbacks: Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any district provided that not more than ninety (90) percent of the required rear or side yard is occupied and no part of any loading space shall be permitted closer than fifty (50) feet to any Residential District nor closer than five (5) feet from any street or alley.
- 3) Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 25.13 and Section 25.14 of this Resolution.
- 4) Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- 5) Paving: All required off-street loading spaces, together with driveways, aisles and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust-free surface.
- 6) Drainage: All loading spaces, together with driveways, aisles and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system. As approved by the Erie County Engineer in conformity with the Erie County Stormwater Regulations.
- 7) Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property See Section 25.13 and Section 25.14.

ARTICLE 28 - SIGN REGULATIONS

Amended 4/2020

1. Purpose

The purpose of sign regulations is to establish standards for the erection and effective use of signs, symbols, markings, and/or advertising devices as a means of communication within the Township. These standards are designed to protect and promote the public health and safety by minimizing potential hazards to pedestrians and vehicular traffic, to minimize the possible adverse effect of signs on nearby public and private property, to enable the fair and consistent enforcement of sign regulations, to reduce sign/advertising clutter, to create and maintain the sought after aesthetics of the Township, and to aid in the development and promotion of business and industrial growth by providing sign regulations without creating detriment to the general public.

2. Governmental Signs Excluded

For the purpose of this Resolution, “a sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

3. General Requirements for all Signs and Districts

The regulations contained in this Section shall apply to all signs and all use districts.

- 1) Any illuminated sign, or lighting device, excluding electronic message board signs (refer to Section K), shall employ only a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
- 2) No sign shall employ any parts or elements which revolve, rotate, wheel, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this Section shall not apply to any sign performing a public service function indicating time, temperature, or similar services;
- 3) All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the state electrical code in effect at the time of permit application;

- 4) No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee;
- 5) No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building;
- 6) No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in this Article;
- 7) No posters, pennants, ribbons, streamers, spinners, or other similar moving devices shall be used for the purpose of advertising or attracting attention;
- 8) No inflatable signs shall be installed or used for commercial purposes;
- 9) No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape;
- 10) Should any sign be or become unsafe or be in danger of falling or unsightly, the owner thereof or the person maintaining the same shall, upon receipt or written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign;
- 11) No signs shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. The maximum number of signs to direct and guide traffic and parking on private property shall be limited to six (6) signs. Such directional signs shall not bear any advertising matter, business information or logos. Directional signs shall be so designed as to not create sight-line visibility problems for motorists.;
- 12) All signs shall be so designed and supported as to carry the weight of the sign and shall comply with the building code in effect;
- 13) All signs shall be secured in such a manner as to prevent significant movement due to wind;
- 14) No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine or public shelter;
- 15) No sign shall contain words, images or graphic illustration of an obscene or indecent nature;

- 16) No sign shall be attached in such manner that it may interfere with any required ventilation operation;
- 17) No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease or for such purpose as the notification of present danger or the prohibition of trespassing, or for political and agricultural purposes;
- 18) No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors or guy wires.
- 19) Any menu board sign related to a drive through business is subject to site plan review and approval by the Zoning Inspector.

Amended 11/10/16 Resolution #2016-194

- 20) No sign that is placed inside of a window or upon the window panes or glass and is visible from the exterior shall not cover more than 25 percent of the window area

4. Permit Required

- 1) No person shall locate or maintain any sign or cause a sign to be located or maintained unless all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Article;
- 2) A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.

5. Signs not requiring a Permit

- 1) Signs advertising the sale, lease or rental of the premises upon which the sign is located, not to exceed twenty (20) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet;
- 2) Professional name plates not to exceed four (4) square feet in area;

- 3) Signs denoting the name and/or address of the occupants of the premises, not to exceed two (2) square feet in area;
- 4) Signs advertising political and agricultural uses;
- 5) Measurement of any sign not requiring a permit will be the same as any sign requiring a permit. (Refer to Section 19)
- 6) Window Signs covering no greater than 25 percent of the window area. See 3.136 (66) *Window Signs*
- 7) Canopy Signs smaller than 200 sq. ft. See 3.136 (12) *Building Sign*, 3.136(6) *Awning*, 3.136(36) *Marquee Sign*

6. Permanent sign setback requirements

Except as provided in Sections 15, Section 16 and Section 17, on-premises signs where permitted shall be setback from either the front, side, or rear property line at least one-half (½) of the required front yard setback for the district.

7. Setbacks for Public and Quasi Public Signs

Bulletin boards for a church, school or public, religious, governmental or educational institution may be erected not less than fifteen (15) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at any private driveway, public or private street or highway intersection.

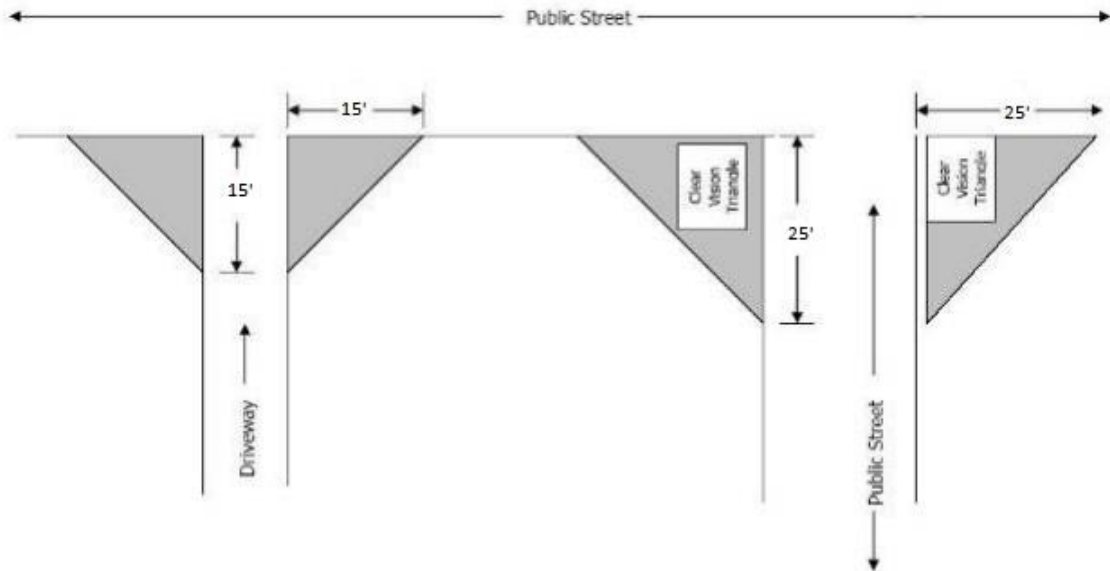
8. Sight Triangle

At the intersection of any two streets, public or private, or the intersection of any private driveway and street, there shall be an optical triangle provided with the following dimensions where no sign shall be located or parked within. The dimensions of such sight triangle are as follows:

- 1) Street to Street Intersection: Signs shall not be located within a triangle formed by lines drawn between points on said front line and side lot lines of a lot twenty-five (25) feet from their intersection, providing that normal sight within a vertical height band of two and one-half (2 ½) to eight and one-half (8 ½) feet above curb level is not obstructed except for poles, posts or tree trunks;
- 2) Driveway-to-street Intersection: Signs shall not be located within a triangle formed by lines drawn between points on said front lot line and driveway edges

of a lot fifteen (15) feet from their intersection, providing that normal sight within a vertical band of two and one-half (2 ½) to eight and one-half (8 ½) feet above curb level is not obstructed except for utility poles, posts or tree trunks.

9.



Computations and Rules of Measurement

The following regulations shall apply to the computation and measurement of sign area, sign height, and building frontage.

1) Determining Sign Area or Dimensions of Signs:

- a. The sign area shall include the face of all display area(s) of the sign. The sign area shall include frame;
- b. For a sign that is framed, outlined, painted, or otherwise prepared and intended to provide background for a sign display, the area of the sign shall be calculated as the area of not more than three (3) regular geometric shapes that encompass the entire area of the sign including the background or frame;
- c. For a sign comprised of individual letters, figures, or elements on a wall or similar surface of a building or structure, or an irregularly shaped freestanding sign, the area of the sign shall be calculated as the area of not more than six (6) regular geometric shapes that encompass the perimeter of all of the elements of the display;
- d. When separate elements are organized to form a single sign, but the elements are separated by open space, the area of the sign shall include all the display areas, including the space between the element (see Figure 1 below):

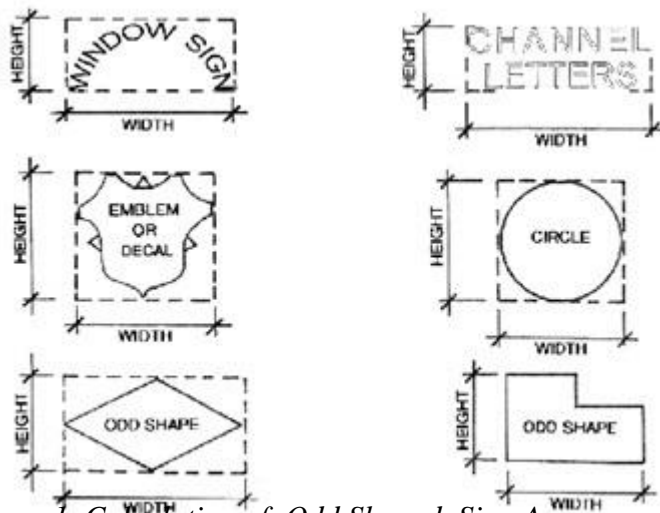


Figure 1. Calculation of, Odd Shaped, Sign Area

- e. For freestanding signs and projecting signs, the sign area shall be calculated by the measurement of one (1) of the faces when two (2) identical display faces are joined back to back. For any sign that has two (2) display faces that do not comply with the above regulation, all surfaces shall be included when determining the area of the sign;

In determining the area of the freestanding signs, the following shall be exempted from being considered as part of the maximum permitted area, see Figure 2 below:

- i. The air space under a freestanding sign between supporting posts, other air space between a projecting sign and the wall to which it is attached;
- ii. Additional base area, framing or structural supports or other portions of the sign, when such areas are determined to be:
 - (a) Constructed and designed with materials which are similar to, or compatible with, the architecture of the building or other site features;
 - (b) Not intended or designed to include messages; and

- (c) Exclusive of colors, trademarks, or any other decorative design features that are primarily intended to attract attention rather than be un-obtrusive or compatible with the architecture of the building or other site features.

Board of Zoning Appeals shall approve all other exemptions.

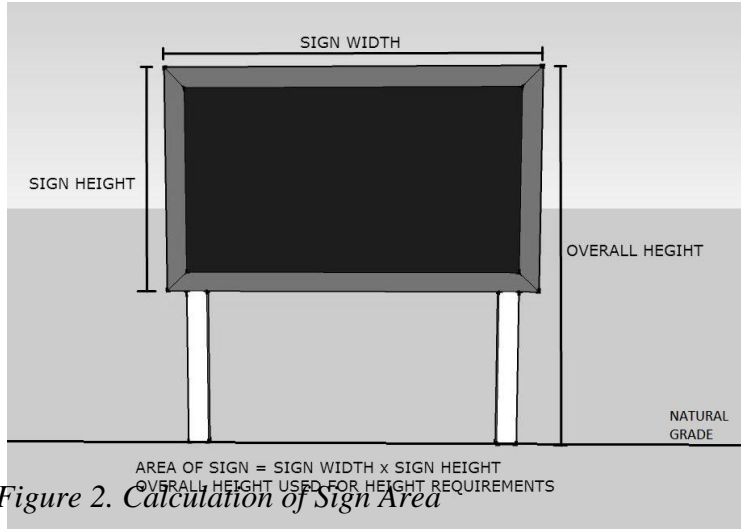


Figure 2. Calculation of Sign Area

- f. The height of a freestanding sign shall be measured from the natural grade of the site immediately adjacent to the sign structure, to the highest point of the sign, its frame, or decorative features.
- g. Directional Signs shall not be included into computations as long as each such sign is less than three (3) square feet in area.

For locations that the Zoning Inspector determines to have unusual or irregular topography along the street frontage and/or between the street right-of-way and the site of the sign, the Zoning Inspector may approve a modification to the height of the sign for the sole purpose of permitting the proposed sign to be approximately equal to the height of other conforming signs in the vicinity.

2) Determining Building Frontage and Building Unit. For the purpose of this

Section, the building frontage shall include the building walls that face a public street:

- a. The building frontage shall be measured along such building wall between the exterior faces of the exterior sidewalls;

- b. For multiple-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit;
 - c. The primary frontage shall be the portion of the property's frontage that serves as the main access point to a principal building or building unit.
- 3) Determining Sign Setbacks. The required setbacks for any freestanding sign shall apply to all elements of the sign, including its frame and base.

10. Signs permitted in Commercial and Industrial Districts requiring a Permit

The regulations set forth in this Section shall apply to signs in all commercial and industrial districts and such signs shall require a permit:

- 1) In a commercial or industrial district, each business shall be permitted flat or wall on-premises signs along with freestanding signs;
- 2) Projection of wall signs shall not exceed two (2) feet measured from the face of the main building;
- 3) The area of all permanent on-premise flat or wall signs for any single business enterprise may not exceed an area equivalent to two (2) square feet of sign area for each lineal foot of building frontage, or part of a building, occupied by such business.

11. Electronic Message Board

Electronic message boards shall be allowed in P-B-O, C-1, C-2, I-1, I-2, REC, & PUD Districts. Electronic messages boards are not permitted in A, RR, R-1, R-2, R-3, & M-A Districts.

- 1) The Zoning Inspector may grant a permit for an Electronic Message Board Sign if it:
 - a. Has been subject to and received design review approval by the Zoning Inspector;
 - b. Is limited to an eight (8) year time period, from the time it is installed, at which time, upon timely and re-application, the Zoning Inspector may renew the permit for an additional period of eight (8) years, provided the sign was operated in compliance with the provisions of this section in all material

respects. The Zoning Inspector will be required to notifying sign owners at least 60 days prior to the end of the time period. Failure to provide such notice, however, shall not extend the renewal for more than 60 days from the date notice is given;

- c. Has a luminance of no more than 10,000 nits during daylight sunrise to sunset and no more than 500 nits at night from sunset to sunrise;
 - d. The illuminated side of the sign shall not be located within five hundred (500) feet of a residential zoning district;
 - e. Is used only for on-premise advertising.
- 2) The owner of an electronic sign shall be required to obtain an annual license by paying an annual fee to the Township as determined by the Board of Township Trustees. Failure to pay the annual fee will subject the permit to revocation;
- 3) Electronic Message Board Display Regulations:
- a. One image, animation, or video must remain visible for an interval of at least eight (8) seconds;
 - b. Display must go dark if there is a malfunction.
- 4) An electronic sign will be in violation of the terms of its permit if the Zoning Inspector finds one or more of the following:
- a. Animation and motion of images and messages is too fast and distracting and, as such compromises public safety;
 - b. Sign has a negative impact on pedestrian or vehicular traffic flow and safety;
 - c. Sign compromises public safety in any way.

12. US 250 Corridor

1) Introduction:

Signs in the US 250 Road Corridor are necessary to communicate information for property owners, tenants and users. Since the corridor is a major gateway, signs may be considered differently than other signs throughout the Township. Additional sign criteria are necessary to accomplish this and are intended to supplement the sign regulations within the Perkins Township Zoning Resolution.

2) Location:

The regulations noted below are applicable to any property that has frontage on U.S. Route 250/Milan Road within the U.S. 250 Corridor zone displayed below.



3) Purpose:

These criteria include restrictions on all signs including but not limited to freestanding signs, wall signs, monument signs, temporary signs, and portable signs.

4) Standards:

- a. All signs on US 250 must be setback a minimum of thirty (30) feet from the right of way;
- b. Freestanding signs (Pole Signs);
 - i. No more than thirty five (35) feet in height from the finished site grade;
 - ii. No more than seventy five (75) square feet in surface area when the building is between one thousand (1,000) and five thousand (5,000) square feet in size;
 - iii. No more than one hundred and fifty (150) square feet in surface area when the building is between five thousand one (5,001) and twenty thousand (20,000) square feet;
 - iv. No more than one hundred seventy five (175) square feet in surface area when the building is between twenty thousand one (20,001) and larger square feet;
 - v. Clear area under the sign must be eight and one half (8.5) feet from the ground to the bottom of sign.
- c. Wall Signs:
 - i. No more than three (3) square feet per one (1) lineal ft. of the building/unit frontage.
- d. Monument signs:
 - i. No more than six (6) feet in height;
 - ii. No more than fifty (50) square feet in area.
- e. All electronic message boards must follow regulations found in Section 11.

- f. Billboards must follow regulations found in Section 17.

13. Temporary Signs Requiring Permit

The following temporary signs (as defined in Article 3 of the Zoning Resolution) require permits and are subject to the sign area provisions described below. All signs must conform to the general requirement listed in Section 3.

1) All temporary signs may not include any of the following:

- a. Illumination of any kind;
- b. Electrical animation;
- c. Changeable reader copy, electronic or manual.

2) Standards:

- a. No more than one (1) sign or flag (excluding American, State, Township, or Military Service flags) per nonresidential occupant;
- b. No more than thirty two (32) square feet in area in a nonresidential zoning district;
- c. No more than sixteen (16) square feet in area in a residential zoning district;
- d. Installed for no more than thirty (30) consecutive days;
- e. Installed no more than four (4) times per calendar year (January through December) and not to be installed consecutively;
- f. Not be permanently anchored to the ground, concrete, or asphalt;
- g. Signs shall be located no closer than fifteen (15) feet from the edge of the roadway or the property line whichever distance is greater.

14. Temporary signs not requiring a permit

The following temporary signs (as defined in Article 3 of the Zoning Resolution) do not require permits and are subject to the sign area provisions described below. All signs must conform to the general requirement listed in Section 3.

- 1) All temporary signs may not include any of the following:
 - a. Illumination of any kind;
 - b. Electrical animation;
 - c. Changeable reader copy, electronic or manual.

- 2) Yard Signs (Commercial and Industrial):
 - a. No more than one (1) per parcel;
 - b. No more than thirty two (32) square feet in area per side;
 - c. No more than eight (8) feet in height;
 - d. Not be permanently anchored to the ground, concrete, or asphalt;
 - e. Signs shall be located no closer than fifteen (15) feet from the edge of the roadway or the property line whichever distance is greater.

- 3) Yard Signs (Residential):
 - a. No more than six (6) square feet in area per side;
 - b. No more than six (6) feet in height;
 - c. Not be permanently anchored to the ground, concrete, or asphalt;
 - d. Signs shall be located no closer than fifteen (15) feet from the edge of the roadway or the property line whichever distance is greater.

- 4) Signs located on a parcel prior to construction completion (Commercial and Industrial):
 - a. Each contractor per job site may have one (1) sign up to thirty two (32) square feet;
 - b. Signs cannot be placed until thirty (30) days prior to start of construction;
 - c. Not be permanently anchored to the ground, concrete, or asphalt;
 - d. Must be removed within seven (7) days after the construction is finished or a Certificate of Occupancy is issued by the Building Department;
 - e. Signs shall not be more than eight (8) feet in height.

- 5) Signs located on a parcel prior to construction completion (Residential):
 - a. Each contractor per job site may have one (1) sign up to six (6) square feet or a maximum of all signs shall not be greater than 32 square feet;
 - b. Signs cannot be placed until thirty (30) days prior to start of construction;
 - c. Not be permanently anchored to the ground, concrete, or asphalt;
 - d. Must be removed within seven (7) days after the construction is finished or a Certificate of Occupancy is issued by the Building Department;
 - e. Signs shall not be more than six (6) feet in height.

15. Freestanding Signs

Free-standing on-premises signs in, commercial or industrial districts, are not to be larger than the following chart:

Building Size	Sign Square Footage
0 sq. ft. – 5,000 sq. ft.	75 sq. ft.
5,001 sq. ft. – 20,000 sq. ft.	150 sq. ft.
20,000 – Larger	175 sq. ft.

They are not to exceed thirty (30) feet in height, be located not closer than one-half (½) of the front yard setback to the property line and not closer than thirty (30) feet to any adjoining lot line and may be erected to serve a group of business establishments. There shall be only one freestanding sign for each building, regardless of the number of businesses conducted in said building. Pole signs shall have a clear distance of eight and one-half (8 ½) feet from the ground to bottom of sign and monument signs not located closer than one-half (½) of the required front yard setback.

Signs indicating principally or conditionally permitted uses of a piece of property may be permitted on the property, providing the side yard setback is consistent with the zoning district in which the sign is located and the front yard setback of the sign is not less than one-half (½) the required front yard setback of the zoning district in which the sign is located.

16. Vehicle Signs

Vehicle signs do not require permits, and must conform to the following requirements and guidelines:

- 1) Vehicle signs may only be parked in commercial and industrial districts;
- 2) May only be on vehicles parked no longer than 72 consecutive hours;
- 3) May not be located within the sight triangle described in Section 8;
- 4) May not be parked in a manner that will create sight line issues as determined by the Zoning Inspector.

17. Portable Sign Requirements and Guidelines

Portable signs require permits, and must conform to the following requirements and guidelines:

- 1) Signs shall be located no closer than fifteen (15) feet from the edge of the roadway or the property line whichever distance is greater
- 2) Shall be ten (10) feet off any adjoining parcels' lot lines;

- 3) Appearance of portable signs shall conform to all other regulations set forth herein;
- 4) The maximum allowable size of a portable sign shall be thirty-two (32) square feet.

18. Off Premise Signs (Billboards)

For the purposes of this Article, outdoor advertising off-premises (billboard) signs shall be classified as a conditionally permitted use only in the PBO, C-1, C-2, I-1, I-2, and A Districts. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto. Outdoor advertising off-premises signs must conform to these guidelines:

- 1) Billboards may not be erected or constructed within one hundred (100) feet of any road or highway intersection or railroad grade crossing;
- 2) No sign except those placed and maintained by the Township, County, State, or Federal governments shall be located in, overhang or encroach upon any public right-of-way;
- 3) Setback shall be 50 feet from the road right-of-way;
- 4) Height shall not exceed forty five (45) feet.
- 5) If the billboard has an electronic message board component then it must also meet the following regulations:
 - a. signs may not be located within twelve thousand (12,000) feet of any other billboard with an electronic message board component on the same roadway
 - b. signs may not be located within seven thousand five hundred (7,500) feet of any other billboard with an electronic message board component on any other roadway
 - c. signs must follow all luminance regulations of Section 11
 - d. there shall be no more than 4 electronic message sign billboards within the township at any given time

19. Non-Conforming Signs and Structures

Advertising signs and structures in existence prior to the effective date of these Sign Regulations which violate or are otherwise not in conformance with the provisions of this Article shall be deemed non-conforming. All legal nonconforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

20. Loss of Legal Non-Conforming Status

A legal non-conforming sign shall immediately lose its legal non-conforming status and therefore must be brought into conformance with this Article or be removed if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated or replaced; or if it is part of an establishment which discontinues operation for six (6) consecutive months; or if it is structurally damaged to an extent greater than one-half (½) of its estimated replacement value. Similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed.

21. Violations

In case any sign shall be installed, erected, constructed or maintained in violation of any of the provisions of these Regulations, the Zoning Inspector shall notify in writing the owner or lessees of the property to alter such sign so as to comply with these Regulations. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 5.15 of this Resolution.

22. Aesthetic Criteria

In all districts, design of signs shall substantially comply with the following aesthetic criteria:

1) Color:

- a. Colors used shall match the background or trim color of the principal building;
- b. If more than one sign is permitted, colors on the signs shall be coordinated with each other to present a unified image.

2) Materials:

- a. Materials used shall be designed so as to be compatible with the architecture of the building and character of the District.

3) Information:

- a. Information provided on the sign shall clearly indicate the name of the business and a simple product idea. Excessive information and clutter is to be avoided.

4) Landscaping:

- a. Light sources shall be concealed from view by the incorporation of shrubs or other type of sightful ground cover;
- b. Plant materials shall be installed around the base of a freestanding or monument sign as approved by the Zoning Inspector.

23. Maintenance

Every sign shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. The owner of any property on which a sign is located and those responsible for maintenance of the sign shall be equally responsible for the conditions of the area in the vicinity of the sign and shall be required to keep that area clean, sanitary and free from noxious or offensive substances, rubbish and flammable waste materials. The Zoning Inspector shall require compliance with all standards of this article. If the sign is not made to comply with adequate safety standards, the Zoning Inspector shall require its removal in accordance with this section.

24. Abandoned Signs

Except as otherwise provided in this article, any sign, other than billboards, that is located on property which becomes vacant and is unoccupied for a period of two (2) months or more, or any sign which pertains to a time, event or purpose which has passed by more than thirty (30) days shall be deemed to have been abandoned and must be removed immediately.

Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be immediately removed by the owner of the sign or owner of the premises upon notice from the Zoning Inspector.

25. Dangerous or Defective Signs

No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be immediately removed or repaired by the owner of the sign or the owner of the premises.

26. Removal of Signs by the Zoning Inspector

The Zoning Inspector shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued. The Zoning Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that, if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of Article 5 and the cost incurred shall be charged to and paid for by the owner of the property on which the offending sign was located or the owner of the sign or both.

APPENDIX A – SUPPLEMENTAL FRONT YARD SETBACKS

Minimum front yard setbacks as required in each individual zoning district shall apply except as listed below:

Street Name	Front Yard Setback (in Feet)
State Route #4	80
State Route #250	80
Bell Avenue	60
Bogart Road	80
Campbell Street	60
Columbus Avenue	60
Fox Road	60
Galloway Road	70
Hull Road	70
Old Railroad	80
Perkins Avenue	70
Patten Tract Road	60
Ransom Road	60
Taylor Road	60
Strub Road - Campbell Street East	55
Strub Road - Campbell Street West	70

Note: In the event of a conflict between two (2) listed streets, the most restrictive setback shall apply.

APPENDIX B – SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

TYPE OF USE	PARKING SPACES REQUIRED
RESIDENTIAL USES	
Single-family or two-family dwelling	Two (2) spaces per dwelling unit
Apartments, townhouses or multi-family dwellings	Two (2) spaces per dwelling unit
Manufactured homes	Two (2) spaces per dwelling unit
Elderly housing	Three (3) spaces per every four (4) dwelling units & one per regular shift employee
COMMERCIAL USES	
Animal hospitals & kennels	One space per 400 square feet of floor area & one space for each two (2) employees
Motor vehicle repair station	One space per 400 square feet of floor area & one for each employee
Motor vehicle salesroom	One space per 400 square feet of floor area and one for each employee
Car washing facilities	One space for each employee
Banks, financial institutions, post offices and similar uses	One space per 250 square feet of floor area & one for each employee
Barber & beauty shops	Three (3) for each barber or beauty operator
Carryout restaurants	One space per 200 square feet of floor area & one for each two (2) employees
Drive-in restaurants	One space per 125 square feet of floor area and one for each employee
Hotels and motels	One space per sleeping room & one space for each two (2) employees

Boarding, rooming, tourist homes, bed and breakfasts	One space per sleeping room
Furniture, appliance, hardware, machinery or equipment sales & service & wholesale establishments	Two (2) spaces & one space per each 200 square feet of floor area over 1,000 square feet
Consumer and trade service uses not otherwise specified	One space for each employee
Funeral homes, mortuaries & similar type uses	One space per 50 square feet of floor area in slumber rooms, parlors, or service rooms
Laundromats	One space per every two (2) washing machines
Administrative, business & professional office uses	One space per every 200 square feet of floor area
Sit-down restaurants, taverns, night clubs & similar uses	One space per every three (3) persons of seating capacity
Retail stores	One space per every 150 square feet of floor area
Shopping centers	One space per 200 square feet of gross floor area
All other types of business or commercial use permitted in any commercial district	One space per every 150 square feet of floor area

MANUFACTURING USES

All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district	One space for every employee (on the largest shift for which the building is designed) and one space per each motor vehicle used in the business
Cartage, express, parcel delivery and freight terminals	One and one-half (1.5) spaces per each employee (on the largest shift for which the building is designed)

RECREATION & ENTERTAINMENT USES

Bowling alleys	Four (4) spaces for each alley or lane; one per each three (3) persons of seating capacity of the area used for restaurant, cocktail lounge or similar use and one space per each three (3) employees
Dance halls, skating rinks	One space per each 100 square feet of floor area used for the activity and one space per each three (3) persons of seating capacity in a restaurant, snack bar or cocktail lounge and one space per each three (3) employees

Outdoor swimming pools; public, community or club	One space per each ten (10) persons of capacity and one space per each three (3) persons of capacity for a restaurant
Auditoriums, sports arenas, theaters, and similar uses	One for each four (4) seats of seating capacity
Miniature golf courses	One space per each hole and one space per each employee
Private clubs and lodges	Two (2) spaces for each playing area and one space per each employee and one space per each 100 square feet of other activity area
Marina	Two (2) spaces for every three (3) dock slips

INSTITUTIONAL USES

Churches & other places of religious assembly	One space for each eight (8) seats in the main assembly room or one per each classroom, whichever is greater
Hospitals	One space per each three (3) beds
Sanitariums, homes for the aged, nursing homes, rest homes and similar uses	One space per each three (3) beds
Medical and dental clinics	One space per each 100 square feet of floor area
Libraries, museums and art galleries	Ten (10) spaces and one space per each 300 square feet of floor area in excess of 2,000 square feet

EDUCATIONAL INSTITUTIONS

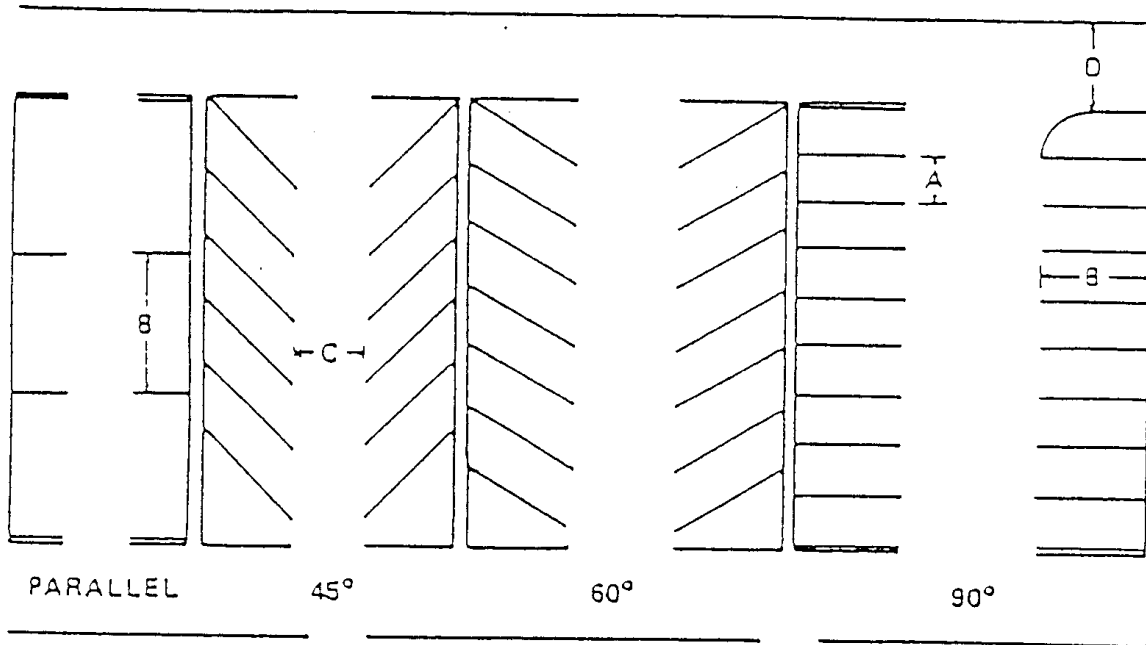
Elementary schools and kindergartens	Four (4) spaces per each classroom and one space per every four (4) seats in auditoriums or assembly halls and one space per each additional non-teaching employee
High schools and middle schools	One space per every ten (10) students or one space per each teacher and employee or one space for every four (4) seats in auditoriums, assembly areas or sports fields, whichever is greater
Business, technical and trade schools	One space per each two (2) students
Child care centers, nursery schools, and similar uses	Four (4) spaces per each classroom

Note: A minimum of one parking space is required for each use.

No more than one hundred and ten (110%) of the parking required under Appendix B of the resolution be provided on a non-residential property exceeding 2 acres in area or for building larger than 10,000 square feet of gross floor area. Parking shall be calculated on a net floor area basis for properties exceeding 2 acres in area or for building larger than 10,000 square feet of gross floor area. Properties less than 2 acres in area or buildings less than 10,000 square feet of floor area shall be calculated on a gross floor area basis.

Amended 6/10/16 Resolution #2016-101

APPENDIX C – REQUIRED OFF-STREET PARKING SPACE DIMENSIONS



OFFSTREET PARKING.

OFF-STREET PARKING DIMENSIONAL TABLE

		45°	60°	90°	Parallel
A	Width of Parking Space	12'	10'	9'	9'
B	Length of Parking Space	19'	19'	19'	23'
C	Width of Driveway Aisle	13'	17'6"	25'	12'
D	Width of Access Driveway	17'	14'	14'	14'

APPENDIX D

Exempted properties on State Route 250
Amended 6/10/16 Resolution #2016-101

ALL BUILDINGS LESS THEN 80' FROM ROW

Parcel Number	Address
1. 30-03470.000	2801 Milan Rd
2. 32-03695.000	2806 Milan Rd
3. 32-01439.000	2809 Milan Rd
4. 32-00153.000	2905 Milan Rd
5. 32-00426.000	3002 Milan Rd
6. 32-04350.000	3304 Milan Rd
7. 32-04634.000	3404 Milan Rd
8. 32-03356.001	3820 Milan Rd
9. 32-03608.000	3902 Milan Rd
10. 32-04062.002	4000 Milan Rd
11. 32-03638.000	4004 Milan Rd
12. 32-03115.000	4016 Milan Rd
13. 32-00453.000	4112 Milan Rd
14. 32-04742.000	4205 Milan Rd
15. 32-04907.000	4209 Milan Rd
16. 32-04906.002	4215 Milan Rd
17. 32-04885.000	4307 Milan Rd
18. 32-00553.000	4317 Milan Rd
19. 32-03079.000	4318 Milan Rd
20. 32-03073.000	4428 Milan Rd
21. 32-00844.095	4710 Milan Rd
22. 32-04312.000	4912 Milan Rd
23. 32-03494.022	5018 Milan Rd
24. 32-03494.013	5020 Milan Rd
25. 32-03494.003	5200 Milan Rd
26. 32-02006.001	5309 Milan Rd
27. 32-04395.000	5410 Milan Rd
28. 32-03968.000	5511 Milan Rd
29. 32-02365.000	5902 Milan Rd
30. 32-03054.000	5906 Milan Rd
31. 32-04001.000	6205 Milan Rd
32. 32-01261.000	6220 Milan Rd
33. 32-04790.001	6409 Milan Rd
34. 32-04778.000	6513 Milan Rd
35. 32-63001.000	

ALL BUILDINGS LESS THEN 10' FROM ROW

	Parcel Number	Address
1.	32-03470.000	2801 Milan Rd
2.	32-03695.000	2806 Milan Rd
3.	32-00153.000	2905 Milan Rd
4.	32-00969.000	3315 Milan Rd
5.	32-03608.000	3902 Milan Rd
6.	32-00574.000	3908 Milan Rd
7.	32-03638.000	4004 Milan Rd
8.	32-03115.000	4016 Milan Rd
9.	32-01235.000	4104 Milan Rd
10.	32-00515.000	4108 Milan Rd
11.	32-04906.002	4215 Milan Rd
12.	32-01267.000	4215 Milan Rd
13.	32-01005.000	4816 Milan Rd
14.	32-01005.000	4900 Milan Rd
15.	32-04312.000	4912 Milan Rd
16.	32-02284.000	5219 Milan Rd
17.	32-02163.000	5219 Milan Rd
18.	32-03439.006	5219 Milan Rd
19.	32-02006.001	5309 Milan Rd
20.	32-63010.000	5420 Milan Rd
21.	32-03968.000	5511 Milan Rd
22.	32-03469.000	5606 Milan Rd
23.	32-02872.000	5608 Milan Rd
24.	32-03989.000	5909 Milan Rd
25.	32-03239.000	6205 Milan Rd
26.	32-04002.000	6402 Milan Rd
27.	32-04790.001	6409 Milan Rd
28.	32-03439.003	5203 Milan Rd
29.	32-03439.002	5205 Milan Rd

ALL BUILDINGS LESS THEN 30' FROM ROW

Parcel Number	Address
3. 32-02006.003	1000 Fun Dr
4. 32-03470.000	2801 Milan Rd
5. 32-00153.000	2905 Milan Rd
6. 32-00426.000	3002 Milan Rd
7. 32-04350.000	3304 Milan Rd
8. 32-04351.000	3306 Milan Rd
9. 32-00969.000	3315 Milan Rd
10. 32-01248.000	3317 Milan Rd
11. 32-03676.000	3321 Milan Rd
12. 32-00790.000	3411 Milan Rd
13. 32-03356.001	3820 Milan Rd
14. 32-03608.000	3902 Milan Rd
15. 32-00574.000	3908 Milan Rd
16. 32-01716.000	3909 Milan Rd
17. 32-03755.001	3911 Milan Rd
18. 32-03115.000	4016 Milan Rd
19. 32-00515.000	4108 Milan Rd
20. 32-00453.000	4112 Milan Rd
21. 32-04907.000	4209 Milan Rd
22. 32-04906.002	4215 Milan Rd
23. 32-04782.000	4320 Milan Rd
24. 32-04301.000	4402 Milan Rd
25. 32-03073.000	4428 Milan Rd
26. 32-01005.000	4816 Milan Rd
27. 32-01005.000	4900 Milan Rd
28. 32-01208.000	4903 Milan Rd
29. 32-01642.000	5505 Milan Rd
30. 32-03494.012	5019 Milan Rd
31. 32-01744.000	5218 Milan Rd
32. 32-03968.000	5511 Milan Rd
33. 32-68022.000	6511 Milan Rd
34. 32-04778.000	6513 Milan Rd

ALL RESIDENTIAL BUILDINGS ALONG US-250 CORRIDOR

Parcel Number	Address
1. 32-04629.000	1403 Bogart Rd
2. 32-01160.000	3111 Milan Rd
3. 32-02771.000	3112 Milan Rd
4. 32-02444.000	3113 Milan Rd
5. 32-03688.000	3114 Milan Rd
6. 32-03319.000	3116 Milan Rd
7. 32-01501.000	3117 Milan Rd
8. 32-03010.000	3118 Milan Rd
9. 32-03806.000	3119 Milan Rd
10. 32-02207.000	3201 Milan Rd
11. 32-01645.000	3202 Milan Rd
12. 32-01648.000	3203 Milan Rd
13. 32-00324.000	3204 Milan Rd
14. 32-03497.000	3206 Milan Rd
15. 32-00179.000	3207 Milan Rd
16. 32-00043.000	3210 Milan Rd
17. 32-00519.000	3211 Milan Rd
18. 32-00319.000	3212 Milan Rd
19. 32-02559.000	3214 Milan Rd
20. 32-01803.000	3215 Milan Rd
21. 32-00749.000	3301 Milan Rd
22. 32-00678.000	3303 Milan Rd
23. 32-02617.000	3305 Milan Rd
24. 32-01990.000	3310 Milan Rd
25. 32-00731.000	3316 Milan Rd
26. 32-01802.000	3501 Milan Rd
27. 32-00518.000	3505 Milan Rd
28. 32-02035.000	3511 Milan Rd
29. 32-02327.000	3601 Milan Rd
30. 32-00382.000	3603 Milan Rd
31. 32-03444.000	3609 Milan Rd
32. 32-00864.000	5019 Milan Rd
33. 32-03793.000	6019 Milan Rd
34. 32-03238.000	6406 Milan Rd
35. 32-00665.000	6412 Milan Rd
36. 32-00378.000	6416 Milan Rd
37. 32-00868.000	6502 Milan Rd
38. 32-03340.000	6602 Milan Rd
39. 32-02679.000	6610 Milan Rd
40. 32-02683.000	6616 Milan Rd
41. 32-02680.000	7211 Milan R

APPENDIX E

LAND USES

The permitted and conditional uses for each zoning district are shown on the following chart. Site Plan, parking, landscaping, and signage land use regulations are provided in separate articles. Uses not specifically listed or interpreted by the Board of Zoning Appeals to be included under this Article shall not be permitted except by amendment to the Zoning Resolution. In the event of a conflict between the provisions of this Appendix E and the Zoning Resolution, dated May 13th 2003 as amended, uses in Appendix E shall supersede and apply.

SECTION A. LAND USE MATRIX

Types of Uses P=Permitted Uses C=Conditional Uses	A	REC	RR	R-1	R-2	R-3	P-B-O	C-1	C-2	M-A	I-1	I-2
1. Dwelling and Other Living Facilities												
Adult Care Facility for Three (3) to Five (5) Unrelated Adults Pursuant to ORC 3722.03									C		C	C
Adult Care Facility for Six (6) to Sixteen (16) Unrelated Adults Pursuant to ORC 3722.03									C		C	C
Bed and Breakfast in accordance with Article VII, Section D	C		C						C			
Dwelling, Multi-Family						P						
Dwelling, Single Family	P		P	P	P							
Dwelling, Two Family					P	P						
Home Occupation in accordance with Article 13.2, Section 1	C		C	C	C	C						
Hospice Care Facility								P	P		P	P
Attached Residence in Conjunction with Commercial Use								C	C		C	C
Nursing Homes in accordance with Article 15						P		C	C		C	C
2. Public and Quasi-Public Uses												
Banquet Hall									P		P	P
Cemetery/Memorial Gardens Min of 20 Acres	C		C									
Child Day Care Center								C	C		C	C
Child Day Care Home, Type A	C		C						C		C	C
Child Day Care Home, Type B	P		P	P	P							
Medical & Dental Offices & Clinics							P	P	P		P	P
Health Spas									P		P	P
Hospitals						P			P		P	P
Fraternal Organizations, Lodges, Private Clubs,									P		P	P
Parks	P	P	P	P	P							

Types of Uses P=Permitted Uses C=Conditional Uses	A	REC	RR	R-1	R-2	R-3	P-B- O	C-1	C-2	M-A	I-1	I-2	
Public Service Facility	P		P	P	P	P	P	P	P		P	P	
Public Uses	P		P	P	P	P	P	P	P		P	P	
Recreational Facilities (Commercial Indoors Only) 100' from Res. Property Line, Noise Reduction	C	P							P		P	P	
Recreational Facilities – Golf or Country Club	C	P	C						C				
Places of Worship	C		C						P		P	P	
Schools for Commercial, Trade, or Business									P		P	P	
Public, Parochial, private elementary, intermediate and/or high schools offering course in general education, but not commercial trade schools	C		C	P									
Swimming Pools for Community or Club Use in accordance with Article 26	C	P	P						P		P	P	
3. Office Uses													
Offices for Businesses Providing Direct Services to Consumers with Drive-through Service (e.g., Banks)									P	P		P	P
Offices for Businesses Providing Direct Services to Consumers without Drive-through Service (e.g., Insurance Agencies, Real Estate Agencies							P	P	P		P	P	
Offices for executive, administrative, professional, accounting, etc.							P	P	P		P	P	
4. Retail and Service Commercial Uses													
Amusement Parks Open Air		C							C		C	C	
Auction House, Flea Market									C		C	C	
Convenience Store									P		P	P	
Drive-Through Commercial Uses									C		C	C	
Entertainment Facilities		C							P		P	P	
Fireworks Sales											C	C	

General Contractor											P	P
Hotels/Motels									P		P	P
Horse Racing Track	C	C										

Types of Uses P=Permitted Uses C=Conditional Uses	A	REC	RR	R-1	R-2	R-3	P-B-O	C-1	C-2	M-A	I-1	I-2
Horses or Livestock on min 5 Acres in accordance Article 13	P		P	P	P	P	P	P	P	P	P	P
Lawn and Garden Center	P								P		P	P
Massage Therapy Facilities									P		P	P
Motor Vehicle Service Stations- Fuel and/or Convenience Store in accordance with Article 17									C		C	C
Motor Vehicle Service Stations - Fuel and service in accordance with Article 17									C		C	C
Motor Vehicle Repair General									P		P	P
Motor Vehicle, Boats, Sales, Storage, etc.									C		P	P
Motor Vehicle Washing Facility in accordance with Article 17									C		C	C
Nurseries, Lawn and Garden Center	P											
Semi Motor Vehicle Washing Facility for Trucks with Trailers in accordance with Article 17											C	C
Parking Lots or Parking Facilities as a Principal Use									C		C	C
Personal Services, Barber, Beauty, Dry Cleaners								P	P		P	P
Public Stables and Riding Academies on Min Ten (10) acres	P											
Printing and Publishing									P		P	P
RV Park, Campground		C							C		C	C
Restaurants and Food Establishments with Drive Through Service									C		C	C
Restaurants and Food Establishments without Drive Through Service									P		P	P
Retail Sales in Structures less than 10,000 Gross Sq. Ft.								P	P		P	P

Retail Sales in Structures more than 10,000 Gross Sq. Ft.										P		P	P
Adult Business in Accordance with Article 21													C
Shopping Centers, Any Unit greater than 50,000 Sq. Ft.										P		P	P
Shopping Centers, Any Unit less than 50,000 Sq. Ft.										P		P	P
Truck and Trailer Sales and Services												P	P
Truck Stop												C	C

Types of Uses P=Permitted Uses C=Conditional Uses	A	REC	RR	R-1	R-2	R-3	P-B-O	C-1	C-2	M-A	I-1	I-2
Veterinary Clinic or Hospital or Animal Care Facilities	P								C		P	P
Water Park									P		P	P
Wholesale Business									P		P	P
5. Industrial Uses												
Airports	C										P	P
Asphalt Manufacturing										C		C
Concrete and Cinder Block Manufacturing										P		P
Laboratories for Medical and Dental Services, Including Testing Facilities									P		P	P
Manufacturing or Assembly Processes											P	P
Manufacturing, Heavy												P
Manufacturing, Light											P	P
Mineral Extraction and Processing										P		
Motor Vehicle Salvage Yard and Junk Yard												P
Research Facilities for Product Development and Testing									P		P	P
School Bus Storage Facility											P	P
Shooting Range (Indoor)									C		C	C
Shooting Range (outdoor)	C	C										

Construction Supply Yard									C		P	P
Truck Terminals											P	P
Warehousing (Enclosed)									C		P	P
Warehouse and Mini Storage Business (Min 2 Acres) in accordance with Article 17									C		C	C
6. Agricultural Uses												
Commercial Raising of Fur Bearing Animals Located on a min Forty (40) Acres - 100' Property line away	P											
Agricultural Product/Sales/Stand (250 s.f. Max in A District, 40' set back)	P		P						P			
Grain Elevators and Feed Mills	C											C
Kennel (Soundproof)	C										P	P

